



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**NOVEMBER 7, 2005  
9:00 A.M.**

**ROOM 159**

**AGENDA**

**Call to Order--Roll Call.**

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

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Items listed on the 2:00 p.m. Council docket requiring discussion/clarification, and additions/deletions to the 2:00 p.m. agenda. (15 minutes)

Topics for discussion by the Mayor and Members of Council. (5 minutes)

**BRIEFINGS:**

- Crystal Spring Streetscape - 20 minutes
- Six-Year Improvement Plan - VDOT - 15 minutes
- Building Permit Fee Schedule - 15 minutes
- Branding Update - 20 minutes

P 10;  
P 11;  
P 12;  
P 13

**THE LEGISLATIVE COMMITTEE WILL MEET AT 12:00 P.M., IN THE COUNCIL'S  
CONFERENCE ROOM, ROOM 451, NOEL C. TAYLOR MUNICIPAL BUILDING.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED  
AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C.  
TAYLOR MUNICIPAL BUILDING.**



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**NOVEMBER 7, 2005  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call.**

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

**NOTICE:**

Today's Council meeting will be replayed on Channel 3 on Thursday, November 10, 2005, at 7:00 p.m., and Saturday, November 12, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

A Resolution memorializing the late Jack Ronald "John" Marlles, former Director of the Department of Planning and Community Development.

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### 3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, September 19, 2005. P 16

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 Minutes of a meeting of the Audit Committee which was held on Monday, October 3, 2005. P 56

RECOMMENDED ACTION: Receive and file.

- C-3 A communication from John P. Baker, Executive Director, Roanoke Redevelopment and Housing Authority, advising of the resignation of Mornique E. Smith as a member of the Board of Commissioners. P 62

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

- C-4 Qualification of the following persons:

Paul P. Anderson and Brownie E. Polly as members of the Roanoke Civic Center Commission, for terms ending September 30, 2008;

R. Brian Townsend as a City of Roanoke representative to Virginia's First Regional Industrial Facility Authority, to fill the unexpired term of Elizabeth Neu, ending June 30, 2006;

Jason E. Bingham as a member of the Roanoke City School Board, to fill the unexpired term of Gloria P. Manns, resigned, ending June 30, 2006; and

Stuart H. Revercomb as a Director of the Industrial Development Authority, for a term commencing October 21, 2005 and ending October 20, 2009.

RECOMMENDED ACTION: Receive and file.

### **REGULAR AGENDA**

#### **4. PUBLIC HEARINGS: NONE.**

#### **5. PETITIONS AND COMMUNICATIONS: NONE.**

#### **6. REPORTS OF OFFICERS:**

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of the "Get Alarmed, Virginia!" Grant from the U. S. Centers for Disease Control and Prevention and the Virginia Department of Health; and appropriation of funds.
2. Adoption of a resolution documenting the City's support of additions to VDOT's Six-Year Improvement Program FY 2007-2012.
3. Amendment of the City Code to include a provision that will allow housing for older persons in accordance with State and Federal law.
4. Amendment of the Fee Compendium to provide for an adjustment to the Building Inspections Division Permit Fees.
5. Authorization to permit and to provide oversight of a horse-drawn vehicle service in the downtown area.

P 63;  
B/O 65;  
R 66

P 67;  
R 70

P 71;  
O 73

P 74;  
R 76

P 78;  
O 80

6. Execution of amendments to the City's contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley (Architect) for additional professional services in connection with the Police Building, Phase II Project.

P 85; R 87
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b. DIRECTOR OF FINANCE:

1. Financial report for the month of September 2005.
2. Update on Local Law Enforcement Block Grant.

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P 100; B/O 101; R 102
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**7. REPORTS OF COMMITTEES: NONE.**

**8. UNFINISHED BUSINESS:**

- a. Stadium options discussion.

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. A Resolution changing the time of commencement and the place of the regular meeting of City Council scheduled to be held at 2:00 p.m. on Monday, November 21, 2005.

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

**11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

## **12. CITY MANAGER COMMENTS:**

### **CERTIFICATION OF CLOSED SESSION.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED ON THURSDAY, NOVEMBER 10, 2005, AT 7:00 P.M., AT THE HOTEL ROANOKE AND CONFERENCE CENTER, 110 SHENANDOAH AVENUE, N. E., ROANOKE, VIRGINIA, FOR THE REGIONAL LEGISLATIVE DINNER.**





**C. NELSON HARRIS**

Mayor

**CITY OF ROANOKE  
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452

ROANOKE, VIRGINIA 24011-1594

TELEPHONE: (540) 853-2444

FAX: (540) 853-1145

November 7, 2005

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink that reads "C. Nelson Harris". The signature is written in a cursive, flowing style.

C. Nelson Harris  
Mayor

CNH:snh



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

November 7, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Crystal Spring Streetscape

This is to request space on Council's agenda for a 20 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



# **CITY OF ROANOKE**

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November 7, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Six Year Improvement Plan

This is to request space on Council's agenda for a 15 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



# **CITY OF ROANOKE**

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November 7, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Building Permit Fee Schedule

This is to request space on Council's agenda for a 15 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

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November 7, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Branding Update

This is to request space on Council's agenda for a 20 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with a long, sweeping underline that extends below the name.

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance

WMT  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Jack Ronald "John" Marlles, former director of the Department of Planning and Community Development for the City of Roanoke.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Marlles on Tuesday, September 20, 2005;

WHEREAS, Mr. Marlles was born in Albuquerque, New Mexico on June 27, 1953;

WHEREAS, although Mr. Marlles grew up in places as diverse as Germany and Hawaii, he considered New Jersey to be his home state;

WHEREAS, Mr. Marlles graduated from Rutgers University and Virginia Commonwealth University;

WHEREAS, Mr. Marlles went to work for the Virginia Department of Housing and Community Development in Richmond, Virginia, in 1979, where he was responsible for the introduction into the Commonwealth of Virginia Main Street Program and the Virginia Urban Enterprise Zone Program;

WHEREAS, in 1987 Mr. Marlles, became the head of the Department of Planning and Community Development in Roanoke, where he helped shape such projects as the reopening of Hotel Roanoke;

WHEREAS, Mr. Marlles returned with his family to the Richmond area in 1998 to serve as director of the Planning Office for Henrico County and, in 2004, became Henrico's first director of Community Revitalization, heading a department he was responsible for creating;

WHEREAS, in addition to his work, Mr. Marlles was a great supporter of the Boy Scouts of America and an avid Civil War buff; and

WHEREAS, Mr. Marlles was a dedicated public servant who was known for his humility and generosity of community.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Jack Ronald "John" Marlles, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Marlles's widow, Robin M. Marlles, of Henrico County, Virginia.

ATTEST:

City Clerk

# ROANOKE CITY COUNCIL

September 19, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, September 19, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Alfred T. Dowe, Jr. -----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor introduced and commended Joseph L. Salmon who was selected as Teacher of the Year at the Roanoke Academy of Mathematics and Science, Teacher of the Year for Roanoke City Public Schools, and Region VI Teacher of the Year in the Commonwealth of Virginia. He advised that Mr. Salmon was honored by the Virginia General Assembly and the Virginia Commonwealth School Board.



In recognition of his outstanding example and contributions to the youth of the community, the Mayor presented Mr. Salmon with a proclamation declaring Monday, September 19, 2005, as Joseph L. Salmon Day in the City of Roanoke.

PROCLAMATIONS: The Mayor presented a proclamation to Gary Hegner, Superintendent, Parks and Facilities, declaring Saturday, October 1, 2005, as Fall Waterways Cleanup Day.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, August 15, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council convene in Closed Session as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss the award of a public contract involving the expenditure of public funds, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council convene in Closed Session as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-PERSONNEL DEPARTMENT-ROANOKE ARTS COMMISSION-HUMAN DEVELOPMENT COMMITTEE-SCHOOLS: The following report of qualification was before Council:

David B. Carson and William H. Lindsey as Trustees of the Roanoke City School Board, for terms ending June 30, 2008;

Angela Holland as a member of the Human Services Advisory Board, for a term ending November 30, 2007; and

Letitia A. Smith as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2008.

Vice-Mayor Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ANIMALS/INSECTS: Dr. Stan Eichelberger, presented a written report transmitting recommendations of the Feral Cat Task Committee.

Dr. Eichelberger advised that since formation in the summer of 2004, the Feral Cat Task Committee met on 11 occasions as well as conducted a public opinion survey and a public meeting; the Committee studied a wide variety of information relating to cats and examined the experience of several other localities; as revealed in the progress report dated April 12, 2005, the Committee found that complex sub-issues are involved in virtually every aspect of the topic; and concerns presented to Council, which led to formation of the Committee included issues of property damage, risk of disease transmission, and destruction of wild birds. He noted that during the first six months of 2005, City Animal Control Officers responded to 640 cat-related calls for service and 933 cats from the City of Roanoke were impounded at the Regional Center; the Regional Center for Animal Control and Protection reports that 1,227 cats were impounded from the region for the same period; and the Committee encountered well-reasoned and passionate perspectives on both sides of many of the issues and bases its recommendations on a shared perspective that cats that are cared for are healthier and pose fewer problems for the community.

Dr. Eichelberger reviewed the following recommendations:

- Adopt an ordinance requiring the licensing of cats over four months of age; authorize positive identification of licensed cats by means in addition to a collar and tag (such as by an implanted microchip) and provide space on any registration form for identification information; proof of vaccination should be required prior to license issue; the ordinance should also provide for reduced licensing fees for those cats which have been spayed or neutered, upon presentation of veterinary documentation of the procedure; and persons found in violation of the ordinance should be subject to fine.

- Adopt an ordinance(s) to prohibit cats from running at large and authorize the City's Animal Control and Protection Unit to impound cats found at large; "at large" would refer to any cat not on the property of its owner or under the immediate control of the owner or confined in an enclosure; procedures for disposition of impounded cats should be specified and only licensed and vaccinated cats should be released; the ordinance could be parallel in style with current sections regulating dogs at large, with increased fines for owners who repeatedly allow their animal to be at large; and Roanoke County has had ordinances requiring licensing of cats and defining cats at large as nuisance cats subject to impound since 1994.
- Development of a regional sanctuary for feral cats or cat colonies; although there are currently no such facilities in the area, such a sanctuary would provide for feral cats without their having to be impounded with little hope of adoption; managed sanctuaries for feral cats are seen by the Committee as part of an effective and humane overall solution, and some members of the Committee are willing to further investigate the option; and the City of Roanoke could participate with other localities in the form of financial support, tax considerations, and/or the assistance and expertise of employees in a joint venture.

Dr. Eichelberger advised that the Committee recognizes that implementation of the first two recommendations will require a public information campaign after actual ordinances have been drafted; and the proposals are in keeping with recommendations of The Humane Society of the United States, which should be of assistance in promoting a public information campaign. He stated that it is acknowledged that the ordinances will place an additional strain on the Police Department's Animal Control and Protection Unit, as well as on the Office of the City Treasurer and other offices involved in licensing and enforcement; therefore, he requested that Council consider staffing or technology requests that may arise from the changes.

Mr. Neil MacRae, III, 1110 26<sup>th</sup> Street, S. W., advised that it is understood that the City of Roanoke has a large number of cats per capita; and as the owner of a cat, he is of the opinion that a significant amount of the cat owner population is against any ordinance that would restrict outside activity. He stated that the City could control the feral cat population by picking up cats that do not wear a collar with the owner's name attached.

There being no discussion and without objection by Council, the Mayor advised that the recommendations of the Feral Cat Task Committee would be referred to the City Manager for report and recommendation to Council.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

PARKS AND RECREATION-WATER RESOURCES: Gary Hegner, Superintendent, Parks and Facilities, advised that 250-300 persons are expected to participate in efforts to clean up City property along the banks of the Roanoke River on Saturday, October 1, 2005; participants include the Clean Valley Council, Upper Roanoke River Roundtable, Department of Environmental Quality, Save Our Streams, the Western Virginia Water Authority, Roanoke Valley Greenways Commission, representatives of various City departments, local businesses, the National Foods Co-op, Q99, Tidy Services, and others. He called attention to water quality testing through testing kits that have been distributed in the schools, and other educational opportunities that will be offered.

Council Member Cutler inquired if there would be an opportunity for a regional or watershed-wide event in future years inasmuch as the Roanoke River begins in Montgomery County and runs through Roanoke County, the City of Salem and the Town of Vinton; and with their citizen groups, service clubs, rotary clubs, Kiwanis Clubs, school groups, etc., other Valley-wide jurisdictions could initiate an Upper Roanoke River event.

The City Manager advised that at least two such events will be held on an annual basis and the City has considered a program that would allow individual families, civic clubs and organizations to adopt an area of the Roanoke River for maintenance or stewardship on a regular basis. She stated that it is hoped that activities on October 1 will mark the beginning of a partnership involving not only public property, but private property along the Roanoke River.

EMERGENCY SERVICES: Joseph Coyle, Emergency Services Coordinator, and Larry Brown, Public Information Officer, explained the various components of two enhancements to the City's emergency warning public information capabilities; i.e.: Reverse 911 and Roanoke Alert. Mr. Coyle advised that Reverse 911 is a computer based system that can be used in an emergency to dial out to citizens and businesses; and the system will use a computer which is housed in the City's

secure computer room and dedicated phone lines in the Municipal Building to enhance the City's emergency warning public information capabilities. He explained that some potential uses for Reverse 911 would be notification of a terrorist event, flooding, severe weather conditions, or any large emergency that would require notification to citizens; and the system will not be used for non-emergency or routine events. He stated that a meeting has been scheduled with representatives of City departments, the Western Virginia Water Authority, and the School system to discuss uses and to develop a training program. He explained that the City has an eight telephone line system, using about a 30 second message, 960 telephone calls could be made per hour; for example: if there is a hazardous materials release at a certain intersection, a certain arch around the location can be plotted out and the system will dial those telephone numbers; and in the unlikely event of a mass notification of the entire City, the City could dial into the provider's databank, or contact the provider via internet, in order for notification to be made via the provider's nationwide bank of phones; and in approximately ten minutes every phone in the City of Roanoke would ring. He reviewed two methods by which telephone calls could be handled; i.e.: a compilation of predefined lists through a data bank identifying all persons who live on a specific street or in a flood prone area, input a message and activate the system; or the visual portion of the program could interface with the City's GIS system which provides the capability of selecting a specific street address or configuration and the system would access the database of telephone numbers and dial out based on a geo zone. He stated that another enhancement to the system is the "bulletin board" that can be created during an emergency which allows for the posting of a telephone number on the City's website where emergency information may be obtained. He added that one of the inherent issues with the database that was purchased by the City is that it only has the capability to call landline telephones; therefore, there will be a need to address issues where persons use cellular phones as their primary telephone, in which case it would be necessary to register the phone to that location so that they could be contacted in an emergency; registration could be handled via the City's website, or by telephoning or written communication to the Office of Environmental and Emergency Management.

Mr. Brown advised that in the event of a small scale emergency, the City will transform the current website, [roanokeva.gov](http://roanokeva.gov) into [roanokealert.com](http://roanokealert.com), which will provide the latest information to visitors to the website and allow faster access to important information such as emergency telephone numbers, or links that the person may need to get in touch with other emergency agencies, and the latest updates of road closures or emergency precautions and preparedness. He stated

that currently the website is hidden and in an ideal world the City may not have to use the emergency website; however, the website does have the capability to go live in the event of an emergency when an administration or the City's web master advises that the information needs to be delivered. He further stated that the website will be hosted outside of the Commonwealth of Virginia so that in the event of a power outage or some other drastic happening, there will be no concern about the site going down. Mr. Brown explained that Reverse 911 provides the capability to disseminate information to as many people as possible both inside and outside the area and to update information on a regular basis.

Council Member Lea inquired as to how information would be disseminated to persons who do not have access to a computer; whereupon, the City Manager advised that in a true emergency there is an overload of resources in responding to telephone calls and requests for information; while the website would only be available to certain people who have access to computers and to the internet, if those persons can be siphoned off of the telephone system to receive information from other sources, more resources would become available for persons using telephone lines; and there is also the option of going into affected areas with law enforcement and fire personnel with horns to communicate a need to evacuate the area. She advised that the two activities have been in the planning stages for over a year; the programs demonstrate that the City is planning for the emergency that it hopes will never happen; and planning has been ongoing since September 11, 2001, to ensure that the City of Roanoke has every tool in place to help its citizens in time of emergency.

In response to a question by Council Member McDaniel if there are plans for live testing of the programs, it was advised that workability of the Reverse 911 program continues to be reviewed.

Council Member Cutler advised that many people use cellular telephones as opposed to landlines, and inquired if cellular telephone companies would include information with monthly bills urging customers to register their cell phone with the City.

Mr. Coyle advised that the suggestion could be presented to the cellular telephone companies, and some cell phone vendors are currently evaluating the systems and looking nationwide for ways to capture the database.

ITEMS RECOMMENDED FOR ACTION:

**HEALTH DEPARTMENT-BUDGET-HUMAN DEVELOPMENT:** The City Manager submitted a communication advising that the City of Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be located at the Roanoke Health Department to ensure that all citizens have an opportunity to apply for Medicaid; and the Agreement remains in effect until modified by mutual consent or operation of law.

It was further advised that total cost of the position is \$40,358.00; approximately 50 per cent of the cost is reimbursed from Federal Medicaid administrative funds, with the Health Department reimbursing the remaining cost; and the City of Roanoke Health Department is satisfied with the results of having the position on location and wishes to continue the services of the Eligibility Worker at the Health Department.

The City Manager recommended that she be authorized to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original agreement; that Council appropriate funds as above described in accounts to be established in the Grant Fund by the Director of Finance; and establish a revenue estimate of \$40,358.00 from State and Federal sources as above described.

• Salary	\$29,742.00
• City Retirement	3,833.00
• ICMA Match	650.00
• FICA	2,280.00
• Health Ins.	3,540.00
• Dental Ins.	235.00
• Disability Ins.	78.00
	<u>\$40,358.00</u>

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37180-091905) AN ORDINANCE to appropriate funding for the Medicaid Eligibility Worker position, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 577.)



Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37180-091905. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Vice-Mayor Fitzpatrick offered the following resolution:

(#37181-091905) A RESOLUTION authorizing the City Manager to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 578.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37181-091905. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**BUDGET-EMERGENCY SERVICES:** The City Manager submitted a communication advising that the Roanoke Fire-EMS Department provides Hazardous Materials Emergency assistance on a regional level to surrounding localities during hazardous material accidents and incidents; increased revenues were received from the Commonwealth of Virginia for Hazardous Materials Emergency Responses; and revenues were intended to be used for reimbursement of certain expenses incurred during Hazardous Materials Emergency Responses for fiscal years 2004 and 2005; and for fiscal year 2004, additional revenues of \$8,199.08 were received and for fiscal year 2005, additional revenues of \$1,390.40 were received.

It was advised that the Commonwealth of Virginia appropriates funds to the Roanoke Fire-EMS Department for Hazardous Materials Emergency Responses; the Director of Finance estimates the revenue for Hazardous Materials Emergency Responses; and in Fiscal Years 2004 and 2005, the Commonwealth increased revenues and reimbursement of funds.

The City Manager recommended that Council adopt a budget ordinance to increase revenue estimates, in the amount of \$8,199.00, in Account No. 035-520-3226-3226 and \$1,390.00 in Account No. 035-520-3227-3227; appropriate additional funding in the same amounts appropriate increased revenues and authorize the Director of Finance to establish increased revenue estimates.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37182-091905) AN ORDINANCE to appropriate additional funding for the Hazardous Materials Response Grants, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 579.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37182-091905. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**BUDGET-HUMAN DEVELOPMENT-GRANTS-FDETC:** The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus Council must appropriate funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem; and WIA funding is intended to be used for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household Income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was further advised that the Western Virginia Workforce Development Board has received a Notice of Obligation (NOO) from the Virginia Employment Commission allocating \$192,078.00 for the Youth Program which serves economically disadvantaged youth, \$74,836.00 for the Adult Program which serves economically disadvantaged adults, and \$120,443.00 for the Dislocated Worker Program which serves workers laid off from employment through no fault of their own for Program Year 2005 (July 1, 2005 – June 30, 2007); and ten per cent of the above referenced totals are intended to be allocated to the administrative function of the Western Virginia Workforce Development Board.

The City Manager recommended that Council authorize appropriation of Western Virginia Workforce Development Board Workforce Investment Act funds of \$387,357.00 for Program Year 2005, and establish corresponding revenue estimates in accounts to be established in the Grant Fund by the Director of Finance.

Council Member McDaniel offered the following budget ordinance:

(#37183-091905) AN ORDINANCE to appropriate funding for the FY06 Workforce Investment Act Grant, amending and reordaining certain sections of the 2005–2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 580.)

Council Member McDaniel moved the adoption of Ordinance No. 37183-091905. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Lea referred to previous discussion by the Council on Monday, July 18, 2005 with regard to composition of the Western Virginia Workforce Development Board and requested that the City Manager provide a status report.

The City Manager advised that at the next meeting of the Chief Local Elected Officials group (CLEO) following Council's discussion on July 18 the issue of representation on the Workforce Development Board was discussed, and all members of the CLEO expressed a genuine interest and concern in the issue of representation. She stated that two members of the African-American community, the Deputy Director, Roanoke Redevelopment and Housing Authority, and a minority representative from Franklin County were recommended to the CLEO; consideration was given to increasing the size of the Board, and a decision was made to keep the current number of 15 which allows for a majority or eight of the appointments to be representatives of the private sector, and the remaining seven would be appointed from the public sector. She added that there is a vacancy on the Board, and Alleghany County, which does not currently have representation, has been requested to recommend a nominee; other members of the Board have encouraged private individuals within their respective communities to serve; and at an upcoming meeting of the CLEO Board, it is anticipated that at least one appointment will be made. The City Manager gave her assurance that the issue has raised itself to a proper level of attention with all members of the CLEO, there will not be a lack of diverse representation on the Workforce Development Board in the future, and the Chief Local Elected Officials group is committed to rectifying the situation.

There being no further questions/comments by Council Members, Ordinance No. 37183-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY CODE-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that Resolution No. 36207-012103 adopted by Council on January 21, 2003, authorized the City Manager to apply for an "80/20" reimbursable grant through the Virginia Recreational Trail Fund Program; and in July 2003, the Virginia Department of Conservation and Recreation notified the City of Roanoke of a grant award, in the amount of \$53,600.00, in support of the Carvins Cove Natural Resource Multi-Use Trail Project.

It was further advised that State and Federal funding sources will be utilized as matching funds to the recent appropriation of \$40,335.00 to the Department of Parks and Recreation through the Western Virginia Water Authority Carvins Cove trail user fees for trail improvements within the Reserve.

The City Manager recommended that Council authorize the Director of Finance to increase the revenue estimate in Account No. 008-620-9825-9813, Carvins Cove Planning and Development, in the amount of \$53,600.00, and appropriate funds of the same amount to the Carvins Cove Planning and Development Project, Account No. 008-620-9825.

Council Member Cutler offered the following budget ordinance:

(#37184-091905) AN ORDINANCE to appropriate funding for the Carvins Cove Planning and Development Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 582.)

Council Member Cutler moved the adoption of Ordinance No. 37184-091905. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Cutler advised entrance fees paid by visitors to Carvins Cove are used for recreational facility improvements at Carvins Cove. He stated that he looked forward to completion of the master plan for management of the Carvins Cove Natural Reserve, and consideration of a conservation easement to protect most of the natural area from development. On behalf of the Roanoke Appalachian Trail Club and other hikers in the region, he stated that he supported multiple use trails, but some trails should be devoted to hikers only so that there is no conflict between horses, bicycles, and hikers.

Ordinance No. 37184-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**POLICE DEPARTMENT-COMMUNICATIONS DEPARTMENT-CITY INFORMATION SYSTEMS-EQUIPMENT:** The City Manager submitted a communication advising that an Intergovernmental Agreement dated December 17, 1997, between the City of Roanoke and the County of Roanoke established a joint Public Safety Radio System ("System"); since creation of the partnership, the City and the County have operated their E-911 public radio systems effectively as a joint, unified system for the protection and benefit of the citizens of both localities; and the original Intergovernmental Agreement was amended on one occasion by an amendment dated October 1, 2001, for the purpose of providing further details governing operation of the joint system and the relationship between the City and the County.

It was further advised that a proposed second amendment provides legal authority for the County and the City to act jointly through the Roanoke County Purchasing Department to obtain a qualified consultant to provide expertise and guidance in the planning of the "rebanding" or migration of frequencies per a Federal Communications Commission (FCC) mandate; rebanding has been ordered by the FCC on a nationwide basis due to frequent problems with interference from commercial wireless communications providers and public safety agencies that operate on the 800MHz spectrum; the FCC has imposed upon Nextel the financial obligation to pay for all direct and indirect costs associated with the "rebanding" frequency reconfiguration; and Nextel has committed \$2.5 billion to pay for the 800 MHz rebanding process nationally and established an independent agency, the Transition Administrator (TA), to oversee the massive undertaking.

The City Manager explained that by proceeding jointly, the County and the City are moving forward with the procurement process to hire a consultant to advise on the numerous technical and legal issues involved in negotiations with Nextel to cover the costs of reprogramming frequencies on all public safety radios; in order to avoid any cost from this Federally mandated process, Roanoke County and Roanoke City, acting jointly, must enter into an agreement with Nextel for reimbursement of all expenses related to the rebanding process before incurring any expenses; and the Roanoke County Board of Supervisors acted on the matter at its meeting on September 13, 2005.

The City Manager recommended that she be authorized to approve and execute Amendment No. Two to the Intergovernmental Agreement between the City of Roanoke and the County of Roanoke.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37185-091905) AN ORDINANCE authorizing the City Manager to execute Amendment Two to an Intergovernmental Agreement, dated December 17, 1997, with Roanoke County concerning the Regional 800 MHz Trunking Radio System, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 583.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37185-091905. The motion was seconded by Council Member Cutler.

Council Member McDaniel inquired in the event of a valley wide emergency, would the City of Roanoke, Roanoke County and the City of Salem have the capability to talk with each other regardless of what radio band or frequency they operate on; whereupon, the City Manager responded in the affirmative and advised that under the Interoperability grant that was received last week, localities from Roanoke, all the way up to and including the Lynchburg region, will have the capability to communicate, and the ability to talk with other communities and their public safety resources is vitally important.

The City Manager advised that the agreement presently before the Council between the City of Roanoke and Roanoke County calls for moving forward with a procurement process that would identify a consultant to help ensure that the localities are adequately represented as they go through negotiations with Nextel and to identify all costs associated with the move.

There being no further questions/comments by Council Members, Ordinance No. 37185-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HOUSING/AUTHORITY: The City Manager submitted a communication advising that on September 6, 2005, Council was briefed on the Day Avenue Project which consists of acquisition by the Roanoke Redevelopment and Housing Authority (RRHA) of 17 parcels of land on Day Avenue; and the parcels are in various stages of disrepair, continuing to deteriorate and are detrimental to the safety, health, morals and welfare of the residents of the housing units, as well as to the surrounding residential neighborhoods.

It was further advised that the RRHA has acquired the 17 parcels of land for rehabilitation and conversion to market rate residential housing units; the City of Roanoke wishes to make available to RRHA the necessary funds to reimburse the Housing Authority for the property from the Christian Housing Fellowship, LLC; total amount of funds to be transferred to the RRHA by the City is \$370,400.00; and funds are included in the Capital Maintenance and Equipment Replacement Program (CMERP).

It was explained that in order for the RRHA to proceed with rehabilitation of the 17 parcels of land, authorization by Council is needed to execute an agreement between the City of Roanoke and the RRHA for funding of property acquisition and pre-rehabilitation and maintenance costs associated with the 17 parcels of property.

The City Manager recommended that she be authorized to execute a cooperation agreement with the RRHA, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37186-091905) A RESOLUTION authorizing execution of the Day Avenue Cooperation Agreement between the City of Roanoke ("City") and the Roanoke Redevelopment and Housing Authority ("RRHA"), providing for the advancement of \$370,400.00 in funding to provide for the cost of acquisition, pre-rehabilitation, and maintenance of seventeen parcels of property located in the 400 block of Day Avenue, S. W.

(For full text of resolution, see Resolution Book No. 69, Page 584.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37186-091905. The motion was seconded by Council Member Cutler.

Mr. Robert Gravely, 727 29<sup>th</sup> Street, N. W., expressed various concerns with regard to the Day Avenue project. He advised that it could cost as much as \$317,000.00 to renovate the houses while the sale price is \$265,000.00 per house; and the houses were previously assessed at approximately \$38,000.00 - \$45,000.00 and are now assessed at \$100,000.00. He added that a home buyer who can afford a \$265,000.00 house will not choose to purchase a house on Day Avenue; no consideration was given to less fortunate persons who currently live in the area who cannot afford more expensive housing, and additionally, no consideration was given to the high crime rate in the area. He referred to \$85,000.00 vacant houses in the 1200 block of Gilmer Avenue that are currently deteriorating because no one is interested in purchasing the property.



The Mayor requested that the City Manager respond to Mr. Gravely's remarks regarding the Day Avenue Project; whereupon, the City Manager advised that the City will make funds available to the Roanoke Redevelopment and Housing Authority to purchase 17 properties on Day Avenue for the balance due on the mortgages. She stated that the Housing Authority does not intend to market the homes when rebuilt to low and moderate income individuals, but to persons in the middle and upper income brackets who can afford to pay the \$265,000.00 which is estimated to be the rehab value. She noted that a market study was prepared and upon the advice of realtors it is believed that homes can be sold for the \$265,000.00; the City and the RRHA have committed to assist those individuals who currently reside in the properties to find alternate housing within the City, and at rates equal to or in some instances less than what they are currently paying at their Day Avenue address; it is not anticipated that any low income individual would be displaced as a result of the project and the City has made a commitment over the next seven years to construct additional low income units to compensate for the loss of Day Avenue housing as a part of the City's housing strategy.

There being no further questions/comments by Council Members, Resolution No. 37186-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**DIRECTOR OF FINANCE:**

**AUDITS/FINANCIAL REPORTS:** The Director of Finance submitted the Financial Report for the month of July 2005.

(For full text, see Financial Report on file in the City Clerk's Office.)

There being no questions or comments and without objection by Council, the Mayor advised that the Financial Report for the month of July would be received and filed.

**CITY ATTORNEY:**

Y.M.C.A.: The City Attorney submitted a written report advising that Subparagraph A of Paragraph No. 12 of the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA of Roanoke Valley, Inc., requires the YMCA to transfer a portion of the property on which the old YMCA facility is located to the City by April 29, 2005 (the original date was March 1, 2005, which was extended by Amendment No. 1); however, the Agreement requires the YMCA to remove all hazardous substances from the old YMCA facility before the YMCA transfers the facility to the City.

It was further advised that due to complications related to removal of asbestos and other hazardous substances from the facility, the YMCA has not completed the removal, and has not transferred the property to the City; and accordingly, the YMCA has requested that the City agree to extend the deadline by which the YMCA must transfer the property to the City until December 30, 2005.

The City Attorney recommended that Council adopt an ordinance authorizing the City Manager to execute the appropriate amendment to the agreement with the YMCA as above described.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37187-091905) AN ORDINANCE authorizing the City Manager to execute Amendment No. 2 to the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA of Roanoke Valley, Inc. ("YMCA"), to extend the date by which the YMCA must transfer to the City of Roanoke a portion of the property on which the former YMCA facility is located to December 30, 2005; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 585.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37187-091905. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

#### REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting that Council appropriate the following, was before the body:

- \$23,529.00 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels.
- \$168,700.00 for the Title I School Improvement program to aid the division in efforts to provide strategies to increase student learning at seven low-performing schools; the program will help to fund the opportunity for students to choose a higher-performing school as an alternative, said program to be 100 per cent reimbursed by Federal funds.
- \$33,108.00 for the Title I D At-Risk Juvenile Detention Center Reading program to employ a part-time reading teacher at the Center, said program to be 100 per cent reimbursed by Federal funds.
- \$65,208.00 for the 2005–2006 Governor's School program to provide instruction in science and math to high school students, with the continuing program to be supported by State funds and tuition collected from participating school districts.
- \$48,000.00 for the Patrick Henry Youth Court program to provide for supervision and materials necessary to continue the school-based youth court at Patrick Henry High School; and the continuing program will provide instruction in the legal process and allow for alternative disciplinary actions.

The Director of Finance submitted a written report recommending that Council concur in the requests of the School Board, was also before the body.

Council Member Cutler offered the following budget ordinance:

(#37188-091905) AN ORDINANCE to appropriate funding for the 2005–06 Title I Even Start Family Literacy Grant, 2005–06 Title I School Improvement Program, 2006 Title I D At-Risk Juvenile Detention Center Reading Program, 2005–06 Governor's School Program, and 2005–06 Patrick Henry Youth Court, amending and reordaining certain sections of the 2005–2006 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 586.)

Council Member Cutler moved the adoption of Ordinance No. 37188-091905. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT-CITY COUNCIL: Council Member Lea addressed the issue of domestic violence in the City of Roanoke. He advised that at least 90 per cent of homicides in Roanoke this year were related to domestic violence; many of the victims were women who had taken out restraint orders and the perpetrators ended up back in the household or back on the street; therefore, the issue needs to be addressed above and beyond what the Police Department is doing. He called attention to the need to look more closely at domestic violence not only in terms of the Police Department, but the court system and the Magistrate's Office. Therefore, he suggested that the City Manager appoint a task force to study the matter and to research actions that have been taken by other localities.

Without objection by Council, the Mayor advised that Mr. Lea's suggestion would be referred to the City Manager for report to Council.

CITY COUNCIL-HOUSING/NEIGHBORHOOD CODE ENFORCEMENT: Council Member Lea inquired as to the availability of City programs to assist senior citizens in connection with home maintenance.

The City Manager suggested that citizens call the Department of Housing and Neighborhood Services with regard to specific requests for assistance.

Council Member Cutler advised that the League of Older Americans offers a wide array of assistance programs.

Council Member McDaniel advised that small projects such as painting the porch or mowing the grass for senior citizens could be undertaken by neighborhood organizations through a neighbor to neighbor program.

**CITY COUNCIL-COURTS FACILITY:** Council Member Wishneff inquired about plans to expand and/or renovate the current Courthouse building.

The City Manager advised that a request for proposals for a planning and/or architectural engineering firm to prepare programming and conceptual design phase services will be advertised in the near future, and the actual study will commence in early December, with completion approximately four months thereafter.

**DONATIONS/CONTRIBUTIONS:** On behalf of the City of Roanoke, the Mayor advised that the City Manager has taken \$10,000.00 from the City Manager's Contingency Account to be donated to the American Red Cross to help hurricane victims along the Gulf Coast as a result of Hurricane Katrina.

Council Member Cutler moved that Council concur in the action taken by the City Manager to donate \$10,000.00 to the American Red Cross to assist hurricane victims along the Gulf Coast as a result of Hurricane Katrina. The motion was seconded by Vice-Mayor Fitzpatrick and adopted.

The Mayor advised that plans will be announced in the near future with regard to establishment of a Sister City relationship with a community along the Gulf Coast that sustained substantial damage as a result of Hurricane Katrina.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

**ARMORY/STADIUM:** Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium and the agreement between the City of Roanoke and Norfolk and Western Railway Company which stipulated that the land on which Victory Stadium is constructed would be used for stadium/armory purposes and that the land would be properly maintained by the City. He questioned why the City cannot renovate Victory Stadium in a manner similar to Lane Stadium in Blacksburg.

COMPLAINTS/CITY COUNCIL: Mr. Robert E. Gravely, 727 29th Street, N. W.,  
quoted Bible scripture.

CITY MANAGER COMMENTS: NONE.

At 4:05 p.m., the Mayor declared the Council meeting in recess for two  
Closed Sessions.

At 5:25 p.m., the Council meeting reconvened in the City Council Chamber,  
with all Members of the Council in attendance, with the exception of Council  
Member Dowe, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Vice-Mayor  
Fitzpatrick moved that each Member of City Council certify to the best of his or her  
knowledge that: (1) only public business matters lawfully exempted from open  
meeting requirements under the Virginia Freedom of Information Act; and (2) only  
such public business matters as were identified in any motion by which any Closed  
Meeting was convened were heard, discussed or considered by City Council. The  
motion was seconded by Council Member Cutler and adopted by the following  
vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and  
Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that the  
four year terms of office of S. Deborah Oyler and Stuart H. Revercomb as Directors  
of the Industrial Development Authority will expire on October 20, 2005;  
whereupon, he opened the floor for nominations to fill the vacancies.

Vice-Mayor Fitzpatrick placed in nomination the names of S. Deborah Oyler  
and Stuart H. Revercomb.

There being no further nominations, Ms. Oyler and Mr. Revercomb were  
reappointed as Directors of the Industrial Development Authority, for terms ending  
October 20, 2009, by the following vote:

FOR MS. OYLER AND MR. REVERCOMB: Council Members Lea, McDaniel,  
Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that the three year term of office of Paul P. Anderson as a member of the Roanoke Civic Center Commission will expire September 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Paul P. Anderson.

There being no further nominations, Mr. Anderson was reappointed as a member of the Roanoke Civic Center Commission, for a term of three years ending September 30, 2008, by the following vote:

FOR MR. ANDERSON: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-BUILDINGS/BUILDING DEPARTMENT-COMMITTEES: The Mayor advised that the five year term of office of Reginald P. Church as a member of the Local Board of Building Code Appeals will expire on September 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Reginald P. Church.

There being no further nominations, Mr. Church was reappointed as a member of the Local Board of Building Code Appeals, for a term of five years ending September 30, 2010, by the following vote:

FOR MR. CHURCH: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

(Council Member Dowe was absent.)

At 5:30 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 7:00 p.m., on Monday, September 19, 2005, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Alfred T. Dowe, Jr. -----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Fitzpatrick.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

HUMAN DEVELOPMENT-ACTS OF ACKNOWLEDGEMENT: Council Member Cutler offered the following resolution memorializing the late Corinne B. Gott:

(#37178-091905) A RESOLUTION memorializing the late Corinne Beasley Gott, a former City Social Worker and Superintendent of Roanoke's Department of Social Services for 30 years.

(For full text of resolution, see Resolution Book No. 69, Page 574.)

Council Member Cutler moved the adoption of Resolution No. 37178-091905. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

The Mayor presented a ceremonial copy of the resolution to Ms. Gott's daughters, Nancy Baugh of Richmond, Virginia; Lou Ann Gott and Jayne Harmon of Roanoke, Virginia, and called for a moment of silence in memory of Ms. Gott.



ACTS OF ACKNOWLEDGEMENT-EMERGENCY SERVICES: Vice-Mayor Fitzpatrick offered the following resolution memorializing the late Warren E. Trent:

(#37179-091905) A RESOLUTION memorializing the late Warren E. Trent, former Coordinator of Emergency Services for the City of Roanoke.

(For full text of resolution, see Resolution Book No. 69, Page 576.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37179-091905. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

The Mayor advised that a ceremonial copy of the resolution would be mailed to Mrs. Trent and called for a moment of silence in memory of Mr. Trent.

ACTS OF ACKNOWLEDGEMENT: The Mayor presented an Honorary Citizen Certificate and a Star paper weight to Dr. Ömer Genckaya, Roanoke College 2005 Fulbright Scholar. He advised that Dr. Genckaya is an Associate Professor of Political Science at Bilkent University in Ankara, Turkey.

#### BID OPENINGS:

LEASES-AIR RIGHTS: Pursuant to notice of advertisement for bids for lease of air space for balconies over a portion of Kirk Avenue, S. W., for a term of 60 years, said bids to be received by the City Clerk until 12:00 p.m., on Monday, September 19, 2005, and to be held, unopened, until 7:00 p.m., on that date, the Mayor inquired if anyone had any questions with regard to the opening of the bids. No person raising any question, the Mayor instructed the City Clerk to proceed with the opening of the bids.

The City Clerk advised that one bid was submitted by Musslewhite Holdings, L.L.C., for a one-time rental payment in the total amount of \$2,000.00.

Without objection by Council, the Mayor advised that the bid would be referred to the City Manager for report and recommendation to Council.

## PUBLIC HEARINGS:

**LEASES-AIR RIGHTS:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, with regard to the lease of air space for balconies over a portion of Kirk Avenue, S. W., for a term of 60 years, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Wednesday, September 7, 2005 and Wednesday, September 14, 2005.

The City Manager submitted a communication advising that Musselwhite Holdings, L.L.C., has requested an air rights lease for space located at 301 Jefferson Street, S. W., Official Tax No. 1011805, to install balconies of approximately 198 square feet along the Kirk Avenue side of the property, for a term of 60 years beginning October 18, 2005 through October 17, 2065, at a one-time lease rate of \$2,000.00; the rental rate is based on a percentage of the per square foot assessed value of the existing property; the lease may be renewed at expiration of the initial term upon mutual agreement; the Lessee is responsible for maintaining the balconies in a structurally safe condition; and if at any point the balconies become unsafe or fail to meet building and safety codes, the Lessee agrees to demolish and remove the structure in the lease Air Space for Balconies solely at its expense.

The City Manager recommended that she be authorized to execute a Lease Agreement with Musselwhite Holdings, L.L.C., for a period of 60 years, beginning October 18, 2005 and expiring October 17, 2065, subject to approval as to form by the City Attorney.

Council Member Cutler offered the following ordinance:

(#37189-091905) AN ORDINANCE authorizing the execution of a lease agreement between the City of Roanoke and Musselwhite Holdings, L.L.C., for the lease of certain air space over a portion of Kirk Avenue, S. W., to provide sufficient area and space for the construction of balconies over property located at the intersection of Jefferson Street and Kirk Avenue, for a term of sixty (60) years; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 588.)

Council Member Cutler moved the adoption of Ordinance No. 37189-091905. The motion was seconded by Vice-Mayor Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37189-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

SCHOOLS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen comments with regard to the appointment of a Trustee to the Roanoke City School Board to fill the unexpired term of Gloria P. Manns, resigned, ending June 30, 2006, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, September 11, 2005; and in the *Roanoke Tribune* on Thursday, September 15, 2005.

The Mayor advised that the following persons submitted applications for appointment prior to the deadline on Friday, September 16, 2005, at 5:00 p.m.:

Kenneth G. Andres (withdrew application on September 20, 2005)

Mark S. Lucas (withdrew application on September 21, 2005)

Jason E. Bingham

John W. Elliott, Jr.

Randy L. Leftwich

Carla L. Terry

Elias A. Zani

The Mayor inquired if there were persons present who would like to speak in connection with the matter; whereupon, the following persons addressed the Council:

Carol Brash, 2259 Westover Avenue, S. W., spoke in support of the appointment of Carla Terry. She advised that:

- Ms. Terry is a graduate of Roanoke City public schools.
- She is the mother of two children who are enrolled in Roanoke City public schools.
- She has been an active PTA member and served as President at Addison Middle School.
- She is a school, church and community volunteer and has been successful in working with people from all walks of life.
- She believes in parental involvement and its importance in the schools and would partner with the schools and the community to encourage parental involvement in Roanoke's school system.
- She is honest, straight forward, hard working, and speaks her mind in a way that allows her to work with other people.
- She would bring more sexual diversity to the School Board.

Mr. Randy Leftwich, 515 Mountain Avenue, S. W., an applicant for appointment to the School Board, advised that:

- He is a 1989 graduate of William Fleming High School.
- He serves as a Key Club advisor through the Kiwanis Club at William Fleming High School.
- He has a vision for Roanoke City Public Schools.
- School safety and teachers have been criticized.
- There is a need for more parental involvement.

He stated that in applying for a position on the School Board, it was not his intent to take the place of Ms. Manns, but to continue her vision to make Roanoke City Public Schools the best possible school division.

Mr. Jonathan Pait, 3937 Vermont Avenue, S. W., spoke in support of the application of Carla Terry. He advised that:

- Under Ms. Terry's leadership as President of the Addison Middle School PTA, membership has increased.
- She has exhibited a passion for children which is a fundamental characteristic for any person serving on the School Board.
- She would be an ideal candidate for appointment to the School Board because of her character, her ability to communicate and relate to people and her leadership abilities.

There being no further speakers, the Mayor declared the public hearing closed.

There being no questions or comments by Council Members, the Mayor advised that the above referenced comments would be received and filed.

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center that a portion of Whitmore Avenue, S. W., west of Jefferson Street, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 2, 2005, and Friday, September 9, 2005.

The City Planning Commission submitted a written report advising that the petitioner requests the vacation of an approximately 6,726 square foot portion of Whitmore Avenue, S. W.; the petitioner owns both adjoining properties; and the subject portion of Whitmore Avenue is located within the South Jefferson Redevelopment Area where the petitioner intends to develop.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject portion of Whitmore Avenue, subject to certain conditions; and further recommended that the petitioner not be charged for the property due to provisions of the South Jefferson Redevelopment Plan in which all property acquisition was to be carried out by the Roanoke Redevelopment and Housing Authority.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37190-091905) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 590.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37190-091905. The motion was seconded by Council Member Cutler.

Robert B. Manetta, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to speak in connection with the request for street closure. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37190-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BONDS/BOND ISSUES-SCHOOLS: Pursuant to Resolution No. 37154 and Resolution No. 37155 adopted by the Council on Monday, August 15, 2005, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the approval of issuance of general obligation bonds, in an amount not to exceed \$1,200,000.00 for financing capital improvements for Fallon Park Elementary School, and \$3,850,000.00 for financing capital improvements for Westside Elementary School, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, August 22, 2005, and Monday, August 29, 2005.

A communication from George J. A. Clemo, Attorney, advising that the VPSA application was filed on August 22, 2005, and was approved by the VPSA on September 8, 2005; and resolutions before the Council approve details of the bond, including an estimated debt service schedule and related documents, and authorizes and directs the Mayor or the Vice Mayor and the Clerk or any Deputy Clerk of the City to execute and deliver the bond to the Virginia Public School Authority; and following adoption of the resolutions, financings are expected to be finalized and proceeds available to the City on or about November 10, 2005.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37191-091905) A Resolution authorizing the issuance of not to exceed \$1,200,000.00 General Obligation School Bonds of the City of Roanoke, Virginia, Series 2005-A, to be sold to the Virginia Public School Authority and providing the form and details thereof.

(For full text of resolution, see Resolution Book No. 69, Page 592.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37191-091905. The motion was seconded by Council Member Cutler.

The Mayor inquired if there were persons present who would like to speak in connection with the issuance of general obligation bonds. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Resolution No. 37191-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Council Member Cutler offered the following resolution:

(#37192-091905) A Resolution authorizing the issuance of not to exceed \$3,850,000.00 General Obligation School Bonds of the City of Roanoke, Virginia, Series 2005-B, to be sold to the Virginia Public School Authority and providing for the form and details thereof.

(For full text of resolution, see Resolution Book No. 69, Page 603.)

Resolution No. 37192-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

EASEMENTS-ROANOKE GAS COMPANY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of an easement across City-owned property located near the intersection of Bennington Street and Mount Pleasant Boulevard, S. E., to Roanoke Gas Company to serve a new subdivision, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 9, 2005.

The City Manager submitted a communication advising that Roanoke Gas Company has requested an approximate 10' X 600' easement across City-owned property, identified as Official Tax No. 4250203, which is the site of Fire Station No. 11 near the intersection of Bennington Street and Mount Pleasant Boulevard; the easement is needed to connect a new main to a high pressure main on Bennington Street and will extend along Mount Pleasant Boulevard to serve a new subdivision in the City; and inasmuch as the easement will support new development in the City it will be donated.

The City Manager recommended that she be authorized to execute the appropriate documents granting a utility easement as above described to Roanoke Gas Company, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37193-091905) AN ORDINANCE authorizing the donation and conveyance of a ten foot by six hundred foot easement on City-owned property identified by Official Tax No. 4250203, the site of Fire Station No. 11 near the intersection of Bennington Street and Mt. Pleasant Boulevard to Roanoke Gas Company, to connect a new main to a high pressure main on Bennington Street, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 613.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37193-091905. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37193-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)



BUDGET-CMERP: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed adjustment to the aggregate amount of the City's fiscal year 2005-2006 annual budget, in connection with appropriation of funds for the Capital Maintenance and Equipment Replacement Program (CMERP), the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 9, 2005.

The City Manager submitted a communication advising that Council was briefed on Fiscal Year 2004-2005 financial performance and the undesignated fund balance on September 6, 2005; the year end undesignated General Fund balance is targeted for the Capital Maintenance and Equipment Replacement Program (CMERP) and totals \$2,033,742.00; in addition, \$1,403,018.00 of Capital Project Contingency funds designated for prioritization as a part of CMERP is available for appropriation; and funds, in the amount of \$167,595.00, from the reallocation of prior year unobligated CMERP funds is also available.

It was further advised that on July 18, 2005, Council authorized the transfer of \$125,000.00 from the Capital Project Contingency for capital improvements to Mill Mountain Theater; and on September 6, 2005, Council authorized transfer of \$83,416.00 from the Capital Project Contingency for the new Fire/EMS Administration Facility; and the net total of all funding sources available for appropriation is \$3,395,939.00.

It was explained that Section 2-188.1, Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that at the conclusion of each fiscal year, \$250,000.00 to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the maximum balance of the reserve is three per cent of the total General Fund appropriations for the General Fund for self-insured liabilities; and a list of CMERP funding recommendations addresses the following categories:

• Contributions	\$1,197,925.00
• Carryover Funds	21,806.00
• Furniture and Equipment	843,208.00
• Capital Improvements	580,000.00
• Technology	400,000.00
• Fleet Management	353,000.00
Total	\$3,395,939.00

It was stated that CMERP funding requests totaled approximately \$9.6 million, excluding technology and vehicular related items; requests for technology related items/initiatives totaled an additional \$3.5 million; and technology requests are reviewed and prioritized by the Information Technology Committee and all vehicular requests are reviewed by the Fleet Management Division Manager and evaluated based upon an approved set of replacement criteria.

The City Manager recommended that Council concur in CMERP funding recommendations and appropriate funding to the proper accounts as set forth in an attachment to the report; appropriate \$125,000.00 from Civic Facilities Fund Retained Earnings to the Civic Center Improvements Project, Account No. 005-550-8624, for repair of stage rigging equipment; appropriate \$166,730.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund; establish a revenue estimate of the same amount in the Risk Management Fund representing the transfer; and reallocate prior year CMERP funding from the following accounts:

008-620-9759-9132 (Greenway Signage)	\$ 14,744.00
008-620-9750-9132 (Mt. View Rec Center Improvements)	\$ 3,718.00
008-530-9782-9132 (Downtown Roanoke Drainage Contract Labor)	\$ 100,000.00
008-530-9778-9132 (Engineering Suite Renovations)	\$ 49,133.00

Council Member Cutler offered the following ordinance:

(#37194-091905) AN ORDINANCE to appropriate funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and to make other funding appropriations and transfers, amending and reordaining certain sections of the 2005-2006 General, Civic Facilities, Capital Projects, Department of Technology, Fleet Management and Risk Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 614.)

Council Member Cutler moved the adoption of Ordinance No. 37193-091905. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

Prior to voting on the ordinance, Vice-Mayor Fitzpatrick disclosed that \$7,000.00 is included for appropriation to the Commonwealth Coach and Trolley Museum of which he serves as President. He stated that the funds will be used to purchase two antique buses that were originally used in the City of Roanoke fleet by either Roanoke Railway and Electric Company or Safety Motor Transit, and certain one time equipment maintenance purchases. He noted that Commonwealth Coach and Trolley Museum employs no personnel and he receives no remuneration for his services.

There being no questions or comments by Council Members, Ordinance No. 37194-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

SOCIAL SECURITY ADMINISTRATION: The following persons addressed Council with regard to location of the Social Security Administration Office in the Gainsboro community:

Ms. Beth Wellington, P. O. Box 1361, advised that the Comprehensive Plan for 2001-2020 continues the 1985 Roanoke Vision plan which referred to Roanoke as a City of neighborhoods; neighborhood plans were intended to be official documents adopted by the City that would become a part of the City's Comprehensive Plan; and one of neighborhood plans included the Gainsboro community. She stated that the Gainsboro plan acknowledged the ravages of urban renewal, and promised to ensure neighborhood participation in future development, i.e.: "Like many inner City neighborhoods in America, the Gainsboro community continues to deal with the consequences of urban renewal of the 1960's and 70's that displaced many families and businesses. The general sentiment today in America and in Gainsboro is that urban renewal was something done to the community instead of with the community. One of the main purposes of this plan is to ensure that the community is involved in determining its own future, and that the community's goals and interests are reflected in future developments, ultimately leading to a better and more vibrant Gainsboro". She explained that the neighborhood plan for Gainsboro included a village center, similar to the village center in the Grandin Road area, with a focal point for the

neighborhood; the village center would include uses that served the surrounding neighborhood, as well as those that would appeal to broader markets; first floors of buildings would be dedicated to higher intensity commercial uses, and Henry Street would include a central square as a community gathering place, etc. She added that Council reiterated the Gainsboro plan by adopting and submitting of the 2005–2010 Consolidated Plan to the U. S. Department of Housing and Urban Development, which has awarded the City \$3 million annually; and Gainsboro was designated for special attention in the area of revitalization, and the Plan acknowledged the Gainsboro Steering Committee as the overseer of revitalization. She expressed concern that the proposed Social Security Administration Office building appears to have caused Roanoke to jettison its plans and the hopes of the Gainsboro neighborhood. She indicated that the City acquired the land through condemnation during urban renewal and asked if the City will abide by the adopted neighborhood plan for Gainsboro and support actions that will be in compliance with the Gainsboro Neighborhood Plan.

Ms. Alice Roberts, 411 Gilmer Avenue, N. E., a life long resident of the Gainsboro area, advised that Henry Street has a significant place in the history of the City of Roanoke, and the City should honor its past with a vision for the future. She called attention to major concerns with regard to the proposed Social Security Building on Henry Street; for years the development of Henry Street has been quiet; however, it is now becoming a district of education, history and culture with construction of the Roanoke Higher Education Center, the Culinary School, the multi-purpose Ebony and Strand Building, and the Dumas Center for the Performing Arts which includes the Roanoke Opera. She stated that the Social Security Building will require a 50 foot clearance on each side, adjacent parking, the closing of streets will limit access to the buildings serving the community and limit access to day and evening activities for youth and adults; and the closing of streets assures a slow death to the educational and cultural institutions and their much needed programs. She further stated that the location of the proposed Social Security Building with various restrictive requirements would preclude any future development on Henry Street; and the concept of a Social Security Building on Henry Street is demoralizing. She added that the Henry Street Bridge and a garden as a memorial to Dr. Martin Luther King, Jr., was approved; however, it is ironic and insulting that as visitors walk from the bridge they would come face to face with the Social Security Building. She stated that the Social Security Building would be out of character and inconsistent with the theme of the new Henry Street; therefore, she requested that Council consider an alternate location for the Social Security Building and honor the wishes of those citizens who are concerned with improving quality of life and making Henry Street available for development in keeping with the theme and character of the area.

Mr. Marshall McMillan Zapf, 2109 Memorial Avenue, S. W., advised that components that make Grandin Village successful are scale and a variety of interests and businesses, etc., and Henry Street provides a physical location for a village center to blossom in the Gainsboro neighborhood. He asked that Henry Street not be closed and that the block be used to celebrate the African-American community of Gainsboro. He requested that Council take into consideration that the area provides an entrance to the City which would be better served by a vibrant village center than a large and mostly vacant building occupied by the Federal government.

Ms. Brenda Allen, 12 Gilmer Avenue, N. E., spoke in support of art, education, history and culture in the development of Henry Street. She called attention to the importance of acknowledging the contributions of all citizens of the Roanoke Valley; a key factor considered by businesses in making a decision to locate in a certain area is diversity and diversity will be retained if the Henry Street area continues to be a cultural district. She added that the proximity of The Hotel Roanoke and Conference Center will help to stimulate tourism; however, and as guests from The Hotel Roanoke walk through historic Gainsboro, nothing is on display that explains the history of the area or the many contributions of the citizens of Gainsboro. She encouraged the City of Roanoke to embrace diversity by providing a venue for this type of cultural district that will encourage young people to return to the Roanoke Valley following graduation from college.

Ms. Annie Krochalis, 9428 Patterson Drive, Bent Mountain, Virginia, Co-Chair, Roanoke Sierra Club Committee on Smart Growth, spoke in support of the remarks made by previous speakers that other sites should be explored for the Social Security Administration office building. She stated that certain Federal Homeland Security demands on the building will include a 50 foot berm and limited public access, which will dramatically alter the historic character of neighborhood revitalization efforts causing a commercial and institutional style to the gateway area of the neighborhood. She further stated that neighborhoods in America, such as the Gainsboro community, continue to deal with the consequences of urban renewal, etc.; and the main purpose of the new Gainsboro Neighborhood Plan is to ensure that the community is involved in determining its future and that community goals and interests are reflected in future development. She advised that smart growth redirects investment to existing City neighborhoods thereby enhancing a vital urban core; and downtown areas are the calling cards of cities, thus, they require shared space and space that offers cultural statements. She stated that people are attracted to livable communities, to lively downtown areas, to streets that are designed for pedestrians as much as automobiles, and to

a scale and pattern of development that allows cities to meet every day needs by walking, all of which are key factors to ensure that cities provide a high quality of life. She indicated that the Gainsboro neighborhood currently includes an historic district, the Roanoke Higher Education Center, and The Hotel Roanoke and Conference Center; and the proposed change to downtown zoning would not reflect community input in land use planning and would not encourage continued development of the neighborhood as a cultural and educational destination.

Mr. Thomas Schwendeman, 1098 St. Clair Lane, Vinton, Virginia, advised that a vision was born for the Henry Street area that has brought the community together through culture and performing arts, education, and history; however, the proposed Social Security Administration Office building could change the vision of Gainsboro because it is an inappropriate use for the area. He stated that the building would be better suited in the downtown proper and not on the fringes of downtown; the building under consideration has been located on the fringes of downtown Roanoke for 12 years and has not created any economic development on Henry Street or led to the creation of businesses in the Gainsboro area. He noted that one of the reasons to not construct the Social Security building on a site near the airport was to create a synergy of bringing 200 employees to the heart of the City, and as much as 80 per cent of those persons who transact business at the Social Security office; and any road block that might have prevented locating the facility in downtown Roanoke has been removed and there is now an opportunity to look at downtown proper as a location which will allow Henry Street to become an area for culture, education, history, and the performing arts.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., asked that Council look to the future of Henry Street as a place of learning and engaging in the arts which will attract people of all races, religious background and ethnicity. She referred to the Henry Street of old where people socialized, people gathered, women were respected, men were respectful of women and children, and an area of the City traveled by many people on their way to and from work. She stated that this is the type of vision that is now contemplated for Henry Street that would include culture, education, and history through the Roanoke Higher Education Center, the Dumas Center for the Performing Arts, and the Culinary School all of which will be a legacy for Roanoke's children to be proud of.

Dr. Gerald Roller, 1135 Clearfield Road, S. W., expressed opposition to the proposed location of the Social Security Administration office building in the Henry Street area. He expressed concern that the public was not aware of proposed plans to relocate the Social Security Building, other than what was recently reported in the newspaper. He stated that the Social Security building has no relationship to any type of history in Gainsboro and should not be located in an area that has been recognized for its historic significance by the Commonwealth of Virginia and possible inclusion on the international register of historic places. He questioned the relationship of the Social Security building to the Dr. Martin Luther King, Jr. memorial and park, and added that there are other locations in the City of

Roanoke for a Social Security building that would produce more revenue for the City. He referred to the medical history of the Gainsboro area which was the home of physicians, dentists, and attorneys prior to desegregation. He advised that he serves as a member of the Medical History Foundation which has a goal of establishing a referral center and a medical artifacts museum on Henry Street; however, if the Social Security building is located on Henry Street, plans may change. He stated that closing the northern end of Henry Street will decrease traffic through the area, therefore, consideration should be given to present buildings such as the Dumas Building, the Culinary School, and the Higher Education Center, etc., which could experience an adverse effect as a result of locating the Social Security building at the site under consideration. He stated that there are other locations in the City of Roanoke where the Social Security Administration office building could be constructed.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium and the agreement between the City of Roanoke and the Norfolk and Western Railway Company which stipulated that the land would be used for stadium/armory purposes.

There being no further business, the Mayor declared the meeting adjourned at 8:25 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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**MINUTES OF ROANOKE CITY AUDIT COMMITTEE****October 3, 2005****1. CALL TO ORDER:**

The meeting of the Roanoke City Audit Committee was called to order at 1:12 p.m. on Monday, October 3, 2005, with Chair, Dr. M. Rupert Cutler, presiding.

- **The roll was called by Mrs. England**

**Audit Committee**

**Members Present:** Dr. M. Rupert Cutler, Chair  
Mayor C. Nelson Harris  
Vice-Mayor Beverly T. Fitzpatrick, Jr.  
Sherman P. Lea  
Brenda L. McDaniel

**Audit Committee**

**Members Absent:** Alfred T. Dowe, Jr.  
Brian J. Wishneff

**Others Present:**

Mike Tuck, Assistant Municipal Auditor  
Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda Russell, Asst. City Manager for Community Development  
Jim Grigsby, Acting Asst. City Manager for Operations  
Mary Parker, City Clerk  
Bob Bengtson, Director of Public Works  
Ken King, Manager of Transportation  
Cheryl Ramsey, Auditor  
Doris England, Administrative Assistant

**2. INTERNAL AUDIT REPORTS:**

- A. Audit Findings Follow Up
- B. Police Department Cash Funds
- C. Sheriff's Canteen Fund & Jail Inmate Fund

Dr. Cutler ordered that internal audits A through C be received and filed. There were no objections to the order. Dr. Cutler noted that Municipal Auditor, Drew Harmon, was out of town attending an auditor's conference and Assistant Municipal Auditor, Mike Tuck, would be addressing the Audit Committee on his behalf. Dr. Cutler recognized Mr. Tuck for comments on each of the audits beginning with the Audit Findings Follow Up.



Mr. Tuck explained that the Audit Findings Follow Up is done each year to follow up on all outstanding findings and confirm that each department's action plan is actually completed. This year there were 14 findings to check on; nine of the action plans were completed within the fiscal year. Mr. Tuck stated there were some outstanding issues associated with the remaining five findings. In some instances, significant progress has been made in implementing the actions. All of that information is provided within the audit report. Mr. Tuck asked for any comments or questions related to this audit. Dr. Cutler asked Ms. Burcham if she would like to make some comments as to the progress on these findings that have not cleared. Ms. Burcham said several of these were in progress, as Mr. Tuck noted, but were not completed at the time of the audit. For example, the Civic Center finding states a completion date of December 2005. Upon receiving a copy of this audit, Ms. Burcham stated that she contacted Mina Boyd, who said the Civic Center would be able to comply with this finding by December 2005 and perhaps earlier. In the case of the Department of Technology, that department is in the process of complying with the unique log-ins and passwords for E-911. As for Facilities Management, Ms. Burcham stated that the judgment of the department head and others within that department is that they do not have the expertise within their organization to accomplish this action. They recently asked the Department of Management and Budget to consider assigning someone full time to work with this; and if not, Facilities Management will probably have to engage the services of someone on a temporary basis. The department acknowledges that this activity needs to be done, but has had a number of vacancies and just recently reached full staff of its management personnel. Ms. Burcham stated that Ken Cronin is serving as acting director of General Services, and that has given a fresh set of eyes to look at what is going on in that area.

Ms. Burcham stated that the one finding that disturbs her is the challenge relating to payroll for part time and temporary staff at Parks and Recreation. This occurs when employees are used in multiple program areas. A solution needs to be found, although progress has been made in that there was only one situation noted in this audit and there were initially a number of situations in the prior audit. She said she is hopeful that Mr. Buschor, in checking with his counterparts, will be able to identify a different approach to this that will be more effective. Ms. Russell asked to address the committee on this subject. She stated that Parks and Recreation had been working with the Department of Technology on a system that will kick out duplications. A trial run has been conducted and was successful.

Dr. Cutler asked Mr. Tuck to comment on the Police Department Cash Funds audit. Mr. Tuck explained that this audit is an annual financial audit which is required as part of the accreditation standards for the Police Department. The audit covers the cash funds that the Police Chief maintains custody of and the various fees collected by the department. There were no findings this year, and Municipal Auditing issued an unqualified opinion on the financial statement.

Mr. Tuck asked if the committee members had any questions on the audit. There were none.

Dr. Cutler asked Mr. Tuck to proceed to the Sheriff's audit. Mr. Tuck stated this was also an annual financial audit, and it is required by the Auditor of Public Accounts that the canteen and inmate funds be audited. The inmate funds are the funds of the inmates that are held in trust by the Sheriff, and the canteen funds are the expenses and commissions that are generated from sales to the inmates. There were no findings on this audit, and Municipal Auditing issued an unqualified opinion on the financial statement.

Chairman Cutler asked if there were any further questions regarding the three internal audit reports. There were none.

### **3. UNFINISHED BUSINESS:**

There was no unfinished business to come before the committee.

### **4. NEW BUSINESS:**

- A. Audit Committee Annual Report – June 30, 2005
- B. Municipal Auditing Annual Report – June 30, 2005

Dr. Cutler asked Mr. Tuck if the school engagement letter, referred to on page two of the Audit Committee Annual Report, was a part of the continuing relationship with the schools. He also asked how the Municipal Auditor's relationship with Roanoke Public Schools would be described. Mr. Tuck stated the engagement letter serves as a contractual agreement between Municipal Auditing and the school system. He further stated that this year Municipal Auditing is working on an audit charter with the school system that will be discussed and voted upon at the next school audit committee meeting on October 11, 2005. Mr. Fitzpatrick asked what an audit charter was. Mr. Tuck stated the charter more specifically delineates the department's authority within the organization and the responsibilities of the school audit committee as well as the audit department. Dr. Cutler stated he hoped we maintained a strong relationship with the school audit committee.

Chairman Cutler introduced the Municipal Auditing Annual Report as the next item on the agenda. He noted that the numbers under the headers of *Budget* and *Actual* refer to the number of hours budgeted for an audit and the number of hours it actually took to complete the audit. Dr. Cutler stated there were a number of zeros under the header column of *Actual* on page two of the report. These numbers indicate that Municipal Auditing was unable to get to those audits as had been planned. Dr. Cutler asked Mr. Tuck to comment on the staffing situation within the department. Mr. Tuck stated there was some staffing turnover in the prior year that contributed to the inability to get to

those audits; and another auditor has recently left the city's employment, which will impact the audit plan for this year. Municipal Auditing is currently advertising this position and hopes to fill the position soon. Mr. Tuck stated that just last week another auditor went on maternity leave, and because of having prior knowledge, this was taken into consideration in planning this year's audits.

Another factor that contributed to not getting to the audits as planned last fiscal year was because Municipal Auditing consciously decided to invest a lot of time in the implementation of the Advantage 3 financial system. Mr. Tuck stated it was felt this would be a significant long-term benefit to the office since it would provide exposure to the security setup, the departmental processes involved, and the overall system setup. This financial system is a major system, and it is very key to the audit environment so it was considered to be worthwhile. There were up to three staff members working on Advantage 3 toward the end of that project.

Dr. Cutler asked Mr. Hall about the status of the Advantage 3 project. Mr. Hall stated his project group had met twice with the company representatives, and the company is preparing a plan for either an implementation in February or March, or at the beginning of the upcoming fiscal year. Mr. Hall said it is incumbent on the company, AMS, to prepare a plan that will have few glitches and be ready to go. Mr. Hall stated that even though he dislikes the delay, he wants to be thoroughly convinced the implementation will go well before scheduling it again. Ms. Burcham stated that when the system implementation failed, it was originally decided to wait an entire fiscal year because of other things programmed to be done throughout the year. She stated the vendor is pushing for an earlier implementation because it affects that company's ability to market this product to other organizations and communities. However, Ms. Burcham stated that unless the city can be convinced, it will not take a chance on implementation in any portion of the year, but would rather wait until the beginning of the fiscal year.

Dr. Cutler asked Mr. Hackworth if he had checked to see if the city might recover any costs it may have incurred. Mr. Hackworth stated he had looked into the matter and the city could not recover costs because of the way the contract was conceived and entered into. It was a partnership arrangement and the city was not guaranteed deliverables by a certain date. It would be very difficult to extract anything from the vendor in this case. Dr. Cutler asked if Mr. Hackworth would have preferred the contract to be written in a different way. Mr. Hackworth replied he would. He had recommended some things that were not put in the contract and was assured the city would not have a problem. However, there was a problem; and the things he would have liked to have been in the contract were not there. Mr. Hall responded that the software vendor made concessions on doing additional work that was originally to be performed by internal staff. The vendor has agreed to do those functions, and that will commit more manpower to help assure that the project will be successful. He said he did not know how to put a dollar value on what it cost the city because

it did not go live last July, but the vendor is committing more hours than was in the original contract to do work that city employees were scheduled to do. Therefore, the vendor is making some concessions.

Dr. Cutler asked for any questions or comments on any other issue within the report. There were none.

**5. OTHER BUSINESS:**

- A. N.A.L.G.A. Peer Review of City of Roanoke Municipal Auditing
- B. Letter from the Auditor of Public Accounts

Chairman Cutler stated the National Association of Local Government Auditors conducted a peer review audit of the city's auditing department and gave the department a clean bill of health. He quoted the following from the letter issued by the peer review team, "Based on the results of our review, it is our opinion that the City of Roanoke's internal quality control system was suitably designed and operating effectively to provide reasonable assurance of compliance with Government Auditing Standards for audits and attestation engagements during the period of May 18, 2002 through June 30, 2005." Dr. Cutler stated he felt the Audit Committee should be pleased that the city's auditing staff are members of the National Association of Local Government Auditors and that the Municipal Auditor is serving as a peer reviewer of other cities and learning from other cities how they do their auditing business. He congratulated the auditing department on receiving a clean letter.

Dr. Cutler stated the city had received a similar letter from the State Auditor of Public Accounts which read, "We have reviewed the Commonwealth collections and remittances of the Treasurer, Commissioner of the Revenue, Sheriff, and Commonwealth's Attorney of the City of Roanoke for the year ended June 30, 2005. The results of our tests found the constitutional officers complied, in all material respects, with state laws, regulations and other procedures relating to the receipt, disbursement and custody of state funds." The constitutional officers also received a clean letter.

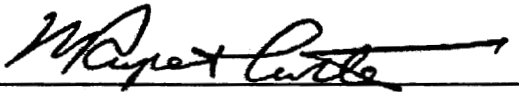
Chairman Cutler stated the preceding two letters will be received and filed. He asked Mr. Tuck for any comments on these letters. Mr. Tuck stated the peer review is a requirement of the Government Auditing Standards, which are followed by the Municipal Auditing department. This is required to be done every three years. Mr. Tuck stated his office had undergone the peer review process five times now. Across the country, not a lot of communities have had that many peer reviews, which is a good process. There was one management comment that involved the Advantage 3 implementation. Municipal Auditing has responded to that, as is indicated in the attachment to the report. Going forward, Municipal Auditing will need to evaluate the work that it does in those areas to make sure there are no conflicts of interest. There are processes in place to ensure that. Dr. Cutler asked if this was a division of labor so that

Municipal Auditing can criticize something without having been involved in it, and Mr. Tuck responded that it was.

Chairman Cutler asked if there were any questions from the members of the committee. There were none.

**6. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 1:33 p.m.

A handwritten signature in black ink, appearing to read "M. Rupert Cutler", is written over a horizontal line.

M. Rupert Cutler, Chair



October 10, 2005

The Honorable C. Nelson Harris  
and Members of City Council  
215 Church Avenue, SW  
Room 452  
Roanoke, VA 24011

Dear Mayor Harris and Members of City Council:

Mornique E. Smith has resigned as a member of the Board of Commissioners of the Roanoke Redevelopment and Housing Authority effective September 4, 2005. She has informed us that due to her full schedule she does not have the time needed to fulfill her duties as a Commissioner.

Ms. Smith was appointed to the Board in October of 2004 and was serving her first term which will expire in August of 2008.

Sincerely,

John P. Baker  
Executive Director

Copy to: Ben J. Fink, Chairman



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

November 7, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: "Get Alarmed, Virginia Grant  
Acceptance

### **Background:**

In 2001, Roanoke Fire-EMS was awarded the "Get Alarmed, Virginia!" Grant. This is a state-secured federal grant from the U.S. Centers for Disease Control and Prevention and the Virginia Department of Health. The Get Alarmed, Virginia! Program has been credited with saving the lives of more than 66 men, women and children across the Commonwealth of Virginia and also is credited with preventing millions of dollars in property loss. According to the National Safe Kids Campaign, every dollar spent on a smoke alarm, prevents \$21 worth of loss. This is a 2,100 percent return on investment. This grant provides smoke detectors to fire departments and other local agencies to disperse to citizens in need.

### **Considerations:**


In September, 2005 Roanoke Fire-EMS was once again awarded the Get Alarmed, Virginia! Grant. The program focuses on installing smoke detectors in the homes of families that have children under the age of 5 and in homes that have elderly residents over the age of 65 living in them. The reason being – these age groups are more likely to die in a house fire. This year the grant is

focusing not only on fire prevention, but also on fall prevention for the elderly. This grant is providing the Roanoke Fire-EMS Department with: 3,000 smoke detectors with 10-year lithium batteries, bath mats, night lights, oven mitts, educational brochures covering fall and fire prevention and grant funds totaling \$15,000. The grant funds are reimbursable, meaning, Roanoke Fire-EMS will pay for items needed to implement the program (ex: ladders, drills, salaries, other educational material & media promotion) and then will be reimbursed by the grant funds.

**Recommended Action:**

Authorize acceptance of the grant award and authorize the City Manager to execute the required grant agreement and contract and any other related documents approved as to form by the City Attorney. Adopt the accompanying budget ordinance establishing a revenue estimate in the amount of \$15,000 and appropriating funding in the same amount to accounts to be established by the Director of Finance in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:tb

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
James Grigsby, Acting Assistant City Manager, Operations

CM05-00157



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for the Get Alarmed, Virginia! Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

<b>Grant Fund</b>		
<b>Appropriations</b>		
Wages	035-520-3200-1002	\$ 11,612
FICA	035-520-3200-1120	888
Advertising	035-520-3200-2015	500
Supplies	035-520-3200-2066	2,000
<b>Revenues</b>		
Get Alarmed Virginia Grant	035-520-3200-3200	15,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the Get Alarmed, Virginia! Grant from the U.S. Centers for Disease Control and Prevention and the Virginia Department of Health, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the U.S. Centers for Disease Control and Prevention and the Virginia Department of Health the Get Alarmed, Virginia! Grant in the amount of \$15,000.00, no local matching funds are required. Such grant being more particularly described in the letter of the City Manager to Council, dated November 7, 2005.

2. The City Manager is hereby authorized to execute and file, on behalf of the City, any documents setting forth the conditions of the Get Alarmed, Virginia! Grant, approved as to form by the City Attorney, required in connection with the acceptance of such grant and to furnish such additional information as may be required by the U.S. Centers for Disease Control and Prevention and the Virginia Department of Health.

ATTEST:

City Clerk



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

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November 7, 2005

Honorable C. Nelson Harris, Mayor  
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Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: VDOT Project Resolution  
Additions to Six-Year  
Improvement Program  
FY2007-2012

### Background:

The Virginia Department of Transportation (VDOT) has advised the City of Roanoke that funds are projected to be available for programming new projects in the FY2007-2012 Six-Year Improvement Program (SYIP.) This projection is based upon the funding status of projects in the current SYIP. Current SYIP projects including the 10<sup>th</sup> Street Improvements, the Wonju Street Extension project, and the Hollins Road/ 13<sup>th</sup> Street extension are now fully funded projects or will be fully funded in FY07. Projected funding available to the City of Roanoke over the next six year period is \$23,694,000.

The Virginia Department of Transportation requires a City Council resolution documenting the City's support of projects in advance of placing the projects in the SYIP. Projects proposed for addition to the SYIP must be included in the Long-Range Transportation Plan (LRTP,) which Council previously approved on October 23, 2003. Based upon public comments received during preparation of the LRTP and the SYIP, identified transportation needs, and projected funding, the following projects are recommended for addition into the FY2007-2012 SYIP:

- Campbell Avenue
- Colonial Avenue

- Elm Avenue
- Norfolk Avenue
- Orange Avenue
- Intersection and Miscellaneous Spot Improvements
- Mobility and Accessibility Improvements
- Signal & ITS Improvements
- Transit Improvements


Additional information can be found in the attached spreadsheet. The City's request to add projects to the SYIP must be submitted to VDOT no later than December 1, 2005. VDOT will consider this request and make a recommendation to the Commonwealth Transportation Board. The Board is expected to take action on this request in the spring of 2006 and the final SYIP should be announced in the summer of 2006.

The provisions of the SYIP require the City to provide a local match representing two percent of total project costs. Two percent of the \$23,694,000 program cost is \$473,880, which will be required over the six year period. Funding of \$310,000 is budgeted annually by the City for transportation needs and will be adequate to cover this required local match.

Recommendation:

City Council adopt the accompanying resolution in support of the addition of these projects to the FY2007-2012 SYIP.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB/MDJ/gpe

- c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sherman M. Stovall, Director of Management and Budget  
Robert K. Bengtson, P.E., Director of Public Works  
Kenneth H. King, P.E., Manager, Division of Transportation

CM05-00165

Projects recommended for inclusion in VDOT's Six-Year Improvement Program FY2007-2012

Facility Route # and Name	From:	To:	Recommended Improvement	Projected Cost	Previous Funding (through FY06)	Additional Funding Required in FY2007-2012	Additional Funding Required beyond FY2012	Comments
Campbell Avenue	Williamson Rd	Norfolk Ave	U3L	\$4,000,000	\$0	\$4,000,000		In conjunction with 13th Street Project
Colonial Avenue	Brandon Ave.	Winding Way Rd	U4L / U3L w/ Bike Lanes	\$3,000,000	\$0	\$3,000,000		Reconstruct existing roadway from Brandon Ave. to Winding Way to include sidewalk, curb and gutter, drainage, and bike lanes. These improvements are intended to tie into the TSM Alternative of the Wonju Street Project.
Elm Avenue	Jefferson St	6th Street	U6L	\$2,000,000	\$0	\$2,000,000		Corridor improvements to enhance interchange operations. Increase left turn storage & improve signals
Norfolk Avenue	Campbell Ave.	Wise Ave.	U3L	\$1,000,000	\$0	\$1,000,000		In conjunction with 13th Street Project
Orange Avenue	11th St	Gus Nicks Blvd	U6L	\$12,000,000	\$0	\$4,594,000	\$7,406,000	
Intersection & Miscellaneous Spot Improvements	Candidate locations: Orange & King, Peters Creek & Cove, Orange & Williamson, Hershberger & Williamson, Hershberger & Ordway, Wasena bridge spot improvement.			\$5,000,000	\$0	\$5,000,000		Isolated improvements, additional turn lanes, geometric improvements, and other spot improvements The intersection of Orange Avenue and King Street has been identified as a priority by City Council.
Mobility and Accessibility Improvements	Hershberger Road Corridor Improvements - Cove Rd to Williamson Rd			\$2,000,000	\$0	\$2,000,000		Install pedestrian and bicycle accomodations (sidewalks or shared-use path), resurface roadway, add landscaping improvements.
Signal and ITS Improvements			Phase 2	\$2,000,000	\$0	\$2,000,000		Traffic signal & ITS upgrades to include new LED signal heads, interconnection and coordination.
Transit Improvements	Flex funds for transit infrastructure construction & maintenance to include sidewalks, benches and shelters.			\$100,000	\$0	\$100,000		Surface Transportation funds will be flexed over to support bus shelters, bus pullouts, Downtown circulator, and other transit enhancements.
					Total	\$23,694,000	\$7,406,000	

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION concurring in the programming of new projects in the City of Roanoke's Six-Year Improvement Program FY 2007 – 2012 ("SYIP").

WHEREAS, state and local agencies must continually develop long range transportation plans as required by the Federal Highway Act of 1962;

WHEREAS, current projects in the SYIP are now fully funded or will be fully funded in FY 2007 and projected funding available to the City of Roanoke over the next six year period is \$23,694,000;

WHEREAS, the SYIP requires a local match representing two percent of local project costs over the six year period and these matching funds are budgeted; and

WHEREAS, the Virginia Department of Transportation is seeking the City's concurrence in the programming of new projects in the City of Roanoke's SYIP.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. This Council concurs in the programming of new projects in the City of Roanoke's Six-Year Improvement Program FY 2007 – 2012 ("SYIP") for consideration by the Virginia Department of Transportation ("VDOT") and recommendation to the Commonwealth Transportation Board, as set forth in the City Manager's letter dated November 7, 2005, to City Council, and its attachments.

2. The City Clerk is directed to transmit an attested copy of this resolution to VDOT.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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November 7, 2005

Honorable C. Nelson Harris, Mayor  
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Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Fair Housing Ordinance  
Amendment

On March 1, 2004, City Council amended and reordained Division 1, Generally, and Division 2, Fair Housing Board, of Article III, Fair Housing Administration, of Chapter 16, Human Rights, of the Code of the City of Roanoke (1979) as amended, by adding certain definitions and certain sections to effect amendments to the City's fair housing ordinance to be consistent with current Federal and State fair housing regulations, and to revise the responsibilities of the Fair Housing Board.

Since the City's Fair Housing ordinance was first enacted in March 1973, prior to enactment of the federal and state fair housing regulations, age has been recognized as a protected class in the City. While the federal and state regulations do not recognize age as a protected class (both the federal and state fair housing regulations include "elderliness" as a protected class which applies to anyone over fifty five years of age), the City of Roanoke opted to retain age as and include "elderliness" as protected classes during its recent amendment of the ordinance.

Housing for older persons is specifically allowed under the federal and state fair housing regulations. However, the inclusion and retention of "age" as a protected class in the City's fair housing ordinance unintentionally prohibits the establishment of housing communities for older persons in the City. While the

recent amendment to the City's fair housing ordinance included adding a definition for "housing for older persons" that was consistent with the federal and state definition, that definition was included because the state and federal regulations recognize "housing for older persons" as a permitted exception to "familial status." Familial status is a protected class which prohibits housing discrimination against persons with children under the age of eighteen and was added to the City ordinance during the recent amendment. Inclusion of this definition by itself in the City ordinance is not sufficient to indicate the allowance of housing for older persons in the City.

The Fair Housing Board recommends that the City fair housing ordinance be further amended to allow for "housing for older persons" in accordance with federal and state regulations.

Recommended Action(s):

City Council adopt an ordinance amending Section 16-152 "Exceptions from article" of Division 1, Generally, of Article III, Fair Housing Administration, of Chapter 16, Human Rights, of the Code of the City of Roanoke (1979) as amended, by the addition of a provision to allow housing for older persons in accordance with state and federal law.

Respectfully submitted,



Darlene L. Burcham  
City Manager

- c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda B. Russell, Assistant City Manager for Community Development  
Ford Weber, Director of Housing and Neighborhood Services  
Angie Williamson, Housing Development Specialist

CM05-00159



DR

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Section 16-152, Exceptions from article, of Division 1, Generally, of Article III, Fair Housing Administration, of Chapter 16, Human Rights, of the Code of the City of Roanoke (1979), as amended, by the addition of subsection (8), to clarify that housing specifically for older persons is permitted in the City, in accordance with state and federal laws; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 16-152, Exceptions from article, of Division 1, Generally, of Article III, Fair Housing Administration, of Chapter 16, Human Rights, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the addition of subsection (8):

Sec. 16-152. Exceptions from article

Nothing contained in this article shall:

\* \* \*

(8) Prohibit, limit, or in any way abridge the rights and remedies afforded housing for older persons, as defined herein and in accordance with the Federal Fair Housing Act of 1968, as amended, and the Virginia Fair Housing Law, as amended.

2. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



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Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council

Subject: Amendment of Certain Fees and  
Charges with regard to the  
Building Inspections Division  
Permit Fees

### Background:

The fee compendium of the City of Roanoke as maintained by the Director of Finance was authorized and approved by the City Council by Resolution No. 32412-032795 and adopted and effective on March 27, 1995. This fee compendium is the basis for the fees charged for all construction-related permits issued through the Building Inspections Division of the Department of Planning Building and Economic Development.

### Consideration:

The Building Inspections Division currently uses a multiple permit system in which each trade involved in a building project obtains a separate permit for its portion of the work. The Division recommends adoption of a combination permit system to replace the one currently in existence whereby one all-inclusive permit will be issued for each project. This will streamline the permitting process and will improve the ability to monitor a project. As part of this change, we are recommending adjustments to the Building Inspections fees as outlined in the fee schedule. The net effect of the changes in fees will result in a decrease of 4.75% in building-related fees. It should be noted that FY'06

Mayor Harris and Members of City Council  
November 7, 2005  
Page 2

Building Inspection-related revenues are still projected to meet their revenue estimates due to the positive volume of permits which will offset fee decreases.

Recommended Action:

Adopt the accompanying resolution to amend the Building Inspections fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham". The signature is fluid and cursive, with the first name "Darlene" written in a larger, more prominent script than the last name "Burcham".

Darlene L. Burcham  
City Manager

DLB:kc

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk  
Rolanda Russell, Assistant City Manager for Community Development  
Brian Townsend, Director, Planning Building and Economic Development

CM05-00168

5JT  
11/2/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending and adding certain fees and charges with regard to building inspections division permit fees, amending the Fee Compendium, and providing for an effective date.

BE IT RESOLVED by the Council of the City of Roanoke that pursuant to Section 110 of the Virginia Uniform Statewide Building Code (2000 edition), as amended, and Section 7-5 of the Code of the City of Roanoke (1979), as amended, adopting the Virginia Uniform Statewide Building Code (2000 edition), as amended, the following fees are hereby established:

1. *Permit Fees.*

<i>Type Permit</i>	<i>Total Valuation</i>	<i>Fee</i>
<i>Combination, Building, Electrical, Plumbing, Mechanical, Gas, Elevator, Tanks, Fire Suppression Systems, Alarm Systems, Demolition, Utility Commercial</i>	<i>\$0.01 to \$1000</i>	<i>\$45</i>
	<i>\$1000.01 to \$50,000</i>	<i>\$45 for the first \$1000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.</i>
	<i>\$50,000.01 to \$100,000</i>	<i>\$290 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000.</i>
	<i>\$100,000.01 to \$250,000</i>	<i>\$490 for the first \$100,000 plus \$3.50 for each additional thousand or fraction thereof, to and including \$250,000.</i>
	<i>\$250,000.01 to \$500,000</i>	<i>\$1,015 for the first \$250,000 plus \$3.25 for each additional thousand, to and including \$500,000.</i>
	<i>\$500,000.01 and up</i>	<i>\$1,827.50 for the first \$500,000 plus \$3.00 for each additional thousand.</i>

2. *Plan Review.*

*When the details of proposed construction requires a plan to be submitted to the Building Commissioner, a Plan Review Fee shall be paid to the Inspections Division at the time of submission of the plans and specifications for review. The Plan Review Fee shall be equal to one-tenth (10%) of the*

*building permit fee as shown in this schedule. The Plan Review Fee may be revised during the technical review process and the Plan Review Fee is in addition to the permit fee. Site plan review fees as required by applicable Zoning Ordinance regulations may also apply to some projects.*

3. *Permit Cancellation Fee.*

*In the case of a revocation of a permit or abandonment or discontinuance of a building project, refunds for the portion of the work that was not completed will be made after written application to the Building Commissioner. An inspection of the site may be required to determine the status of the work. Calculations for the percentage of work complete and amount of refund will be made by the Building Commissioner. A minimum fee of \$90.00 will be retained by the City from each permit to cover the administrative costs for issuance and cancellation of the permit and inspection of the site. For total permit fees less than \$90.00, no refund will be made.*

4. *Building Moving Fee.* \$ 100.00

5. *Commencing Construction without Permit Fee.*

*Any person who commences any work for which a permit is required, prior to obtaining the permit, shall pay a sum equal to twice the normal permit fee up to a maximum of \$250.00 and payment thereof shall not relieve such person from prosecution as described in Title 36, Chapter 6, Section 106 of the Code of Virginia for violating the building code by commencing work without the permit. Emergency repairs are not subject to this fee, if guidelines in the Virginia Uniform Statewide Building Code are followed.*

6. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by the City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the amended and new fees.

7. Resolution No. 32412-032795 is hereby amended to the extent and only to the extent of any inconsistency with this Resolution.

8. The fees established by this Resolution shall remain in effect until amended by this Council.

9. This Resolution shall be in full force and effect on November 16, 2005.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

November 7, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Horse-Drawn Vehicle Ordinance

The city has been approached by a private carriage company to facilitate a horse-drawn carriage service for the downtown area.

Downtown Roanoke, Inc. (DRI) has met with the vender and supports the establishment of this type of service which can help draw visitors into the downtown area and can be a value added experience to their visit.

An ordinance has been drafted which will provide some control and structure to the carriage operators. Included in the ordinance is the permit fee structure of \$45 to operate a horse-drawn vehicle business and \$20 for a horse-drawn vehicle operator's business.


The area for normal carriage operations will be bordered by Salem Avenue on the north, Third Street on the west, Church Avenue on the south and Williamson Road on the east. There may be occasion when operating outside the normal geographical area is permissible to facilitate special events or requests, for example, at Hotel Roanoke and surrounding area.

Mayor Harris and Members of City Council  
November 7, 2005  
Page 2

Recommended Action:

Adopt the attached ordinance which permits and provides some oversight to a horse-drawn vehicle service in the downtown area.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:sm

c: Mary F. Parker, City Clerk  
Jesse A. Hall, Director of Finance  
William M. Hackworth, City Attorney

CM05-00161

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by adding a new Article IV, Horse-Drawn Vehicles, to Chapter 34, Vehicles for Hire; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to add a new Article IV, Horse-Drawn Vehicles, to Chapter 34, Vehicles for Hire, to read and provide as follows:

**ARTICLE IV.**  
**HORSE-DRAWN VEHICLES**

*Sec.34-135. Authority for and purpose of article.*

*This article is adopted under the general police powers granted to the city by its charter and general law. It is not intended hereby to grant or offer any franchise, but it is intended to regulate the operation of horse-drawn vehicles in the city.*

*Sec. 34-136. Compliance with article generally.*

*The operation of horse-drawn vehicles within the city shall be subject to the conditions, regulations and restrictions set forth in this article, and it shall be unlawful to operate or cause to be operated in the city for hire any horse-drawn vehicle, unless the conditions, regulations and restrictions prescribed in this article are complied with.*

*Sec. 34-137. Rules and regulations of city manager.*

*The city manager is authorized and directed to make and enforce such rules and regulations, not in conflict with the provisions of this article, as the city manager may deem proper to regulate the operation of horse-drawn vehicles in the city; provided, that no such regulation shall be made or enforced in conflict with this code. Such regulations shall address the following, but are not limited to:*

- (1) *Routes, and when and where and under what conditions horse-drawn vehicles shall be allowed to operate in the city.*



- (2) *Types, conditions, equipping, and required safety equipment for horse-drawn vehicle.*
- (3) *Regulations regarding the horses which may be used and their care, health, safety, and welfare.*

*Sec. 34-138. License required.*

*No person shall engage in the business of operating horse-drawn vehicles for hire on any street in the city without having obtained from the city manager a permit to operate such business. No business license for such a business shall be issued unless and until such permit has been issued.*

*Sec. 34-139. Filing and contents of application.*

*Application for a permit required by this article shall be filed with the city manager and shall set forth:*

- (1) *The name and address of the applicant.*
- (2) *The trade name under which the applicant does or proposes to do business.*
- (3) *Where the horse-drawn vehicles will be kept when not in use.*
- (4) *The number of horse-drawn vehicles the applicant desires to operate.*
- (5) *Whether the applicant has been convicted of a violation of any federal, state or municipal law.*
- (6) *An agreement or stipulation that the applicant will operate and continue to operate during the period of time the permit shall remain in effect in accordance with applicable laws and regulations, as the same may, from time to time, be amended.*
- (7) *Any other information required by the city manager.*

*Sec. 34-140. Licensing procedure.*

*Upon presentation of a permit issued pursuant to this article, within thirty (30) days of its issuance, and satisfactory evidence that all license fees have been paid to the city treasurer and that the insurance policy or bond required by section 34-141 has been duly filed, the commissioner of revenue shall issue to the applicant a license for each and every horse-drawn vehicle specified in such permit; provided, however, that any such permit shall be effective until cancelled, and no additional permit shall be required for the purpose of obtaining licenses, so long as the original permit remains in effect.*

*Sec. 34-141. Liability insurance or bond.*

- (a) *No horse-drawn vehicle shall be operated or license issued therefore unless the owner has filed with the city manager a liability insurance policy issued by an insurance company authorized to do business in the state, providing for liability insurance with a combined single limit which shall equal or*

- exceed the sum of one hundred twenty-five thousand dollars (\$125,000.00).
- (b) *In lieu of the insurance policy referred to in subsection (a) above, the owner of a horse-drawn vehicle may deposit its bond on which a surety company authorized to do business in the state is obligated, naming the city as obligee and insuring persons who may be injured or whose property may be damaged by the operation of such horse-drawn vehicle, in the same amount, and conditioned that action may be brought thereon by any person so damaged against the surety company for the amount of such damage, up to the amount named therein.*
  - (c) *The insurance policy or bond provided for in this section shall be subject to the approval of the city manager.*
  - (d) *The policy of insurance or bond deposited pursuant to this section shall contain a clause obligating the company issuing the same to give twenty (20) days' notice in writing to the city manager before cancellation thereof. The license for the operation of such horse-drawn vehicle shall expire upon the lapse or termination of such policy or bond, subject to reinstatement upon compliance with the provisions hereinabove contained, but such cancellation shall not relieve the insurance or surety company of liability for any injury happening before such cancellation becomes effective.*

*Sec. 34-142. Investigation of and hearing on application; determination of city manager; issuance; appeals.*

- (a) *The city manager shall make or cause to be made an investigation, including any hearing deemed desirable, as to each application for permit, and shall determine whether or not the applicant is a person of suitable character and qualifications to conduct such business. In determining this latter question, the city manager may investigate the fitness of the officers and stockholders of any corporation making such application. If the city manager determines that the applicant has met all applicable requirements of this article and that the applicant is fit to provide such horse-drawn vehicle service, the city manager shall issue a permit indicating the maximum number of such vehicles which may be placed into operation by the owner.*
- (b) *Any applicant who is denied a permit or any person whose permit has been suspended or revoked may appeal such denial by filing a written notice of appeal pursuant to the provisions of §34-99.*

*Sec. 34-143. Suspension or Revocation.*

- (a) A permit issued under the provisions of this article may be revoked or suspended for a specified period of time by the city manager if the holder thereof has violated any of the provisions of this article or any ordinance of the city or any federal or state law, the violation of which reflects unfavorably on the fitness of the holder of the permit to offer service.*
- (b) Prior to suspension or revocation, the holder shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to present to the city manager evidence as to why the permit should not be revoked or suspended.*

*Sec. 34-144. Stopping in street; interfering with traffic.*

*No driver of any horse-drawn vehicle shall stop, load, or unload any passengers in the intersection of any streets or on any crosswalk. No such vehicle shall in any way impede or interfere with the orderly flow of traffic on the streets.*

*Sec. 34-145. Diapering apparatus required.*

*It shall be unlawful for any person, firm, corporation or other entity to utilize any horse for the purpose of pulling any vehicle on city streets unless such horse is equipped with diapering apparatus that prevents the droppings of such horse from being deposited or otherwise left on city streets. It shall be the responsibility of the person, firm, corporation or other entity utilizing any horse for the purpose of pulling a vehicle to see that the diapering apparatus is maintained in working order.*

*Sec. 34-146. Vehicle stands.*

*The city manager may cause to be designated stands for horse-drawn vehicles at such places within the city as, in the city manager's judgment, will best serve the convenience and necessity of the public.*

*Sec. 34-147. Records of trips.*

*Accurate records of all calls or trips made by horse-drawn vehicles, the time of beginning and ending of such trips and the fares collected therefore shall be kept and such records shall be available for the inspection and use of the police department for official purposes only, and for the inspection of the director of finance for official purposes only.*

*Sec. 34-148. Driver's license.*

*No person shall operate a horse-drawn vehicle on the streets of the city unless and until they have obtained from the city manager a special license to be known as a "horse-drawn vehicle operator's*

*license". The procedure and requirements for obtaining such a license shall be as set out in §34-110, et seq. of this code.*

*Sec. 34-149. Fees.*

*The fee for a permit to operate a horse-drawn vehicle business in the city shall be \$45.00. The fee for a horse-drawn vehicle operator's license shall be \$20.00.*

*Sec. 34-150. Violations of article generally.*

*Any violation of any of the provisions of this article shall constitute a Class 3 misdemeanor.*

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is dispensed with.

ATTEST

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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November 7, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Police Building, Phase II  
Proposal No. 02-01-16  
Amendments to Architect's Contract

On February 13, 2003, the City of Roanoke signed a Contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley (Architect) for the design and construction administration for the Police Building, Phase II. A construction contract was awarded to J.M. Turner & Company, Incorporated (Contractor), on June 29, 2004, with a Notice to Proceed date of August 16, 2004, and a completion date of October 10, 2005. The Contractor has requested two time extensions, and the City has granted a total of 27 consecutive days, which extends the completion date to November 6, 2005. However, additional time to complete the project will be needed. Such additional time to complete the project requires additional construction administration services. An amendment to the Architect's contract is needed to pay for such additional services. The cost for such additional services is anticipated to be no more than \$40,000, based on rates in the base Contract. The total anticipated architectural/engineering fee is within a reasonable range of 8-9% of total construction cost.

Council was previously informed of early changes to the project which led to an increase in the construction budget and required additional services from the

Architect, which were provided for in two amendments. These two amendments increased the Architect's Contract by \$74,5710.80, or 21.6% of the original fee of \$345,000. There have also been several other minor amendments to the Architect's Contract. Council authorization is needed to pay for the above additional services because such additional services, when combined with prior amendments, will exceed 25% of the original contract amount.

City staff is negotiating with the Contractor to define the additional time it will take to complete the project and to determine if credits and/or liquidated damages are due from the Contractor to the City. It is anticipated that the City will realize some amount of credits or liquidated damages from these negotiations and any such amounts would offset the additional A/E construction phase services.

Funding is available in account number 008-530-9567, "Police Building Design - Phase II" to fund the proposed amendments.

**Recommended Action:**

Authorize the City Manager to execute additional amendments to the City's contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley (Architect) not to exceed \$40,000 for additional professional services needed to complete the project.

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB:BDL:dps

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk  
Philip C. Schirmer, PE, LS, City Engineer

CM05-00164

D.T.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the City Manager's issuance and execution of additional Amendments to the City's contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley for additional professional services for the Police Building, Phase II Project.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is hereby authorized, for and on behalf of the City, to issue and execute such additional Amendments as may be necessary to the City's contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley, for additional professional services for the Police Building, Phase II Project, all as more fully set forth in the City Manager's letter to this Council dated November 7, 2005.
2. The form of such Amendments shall be approved by the City Attorney.
3. Such Amendments will provide authorization for additions to the work, with an increase in the amount of the contract and provided the total amount of such Amendments will not will not exceed an additional \$40,000.00, all as set forth in the above letter.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

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**JESSE A. HALL**

Director of Finance

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

November 7, 2005

Honorable C. Nelson Harris, Mayor  
 Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Sherman P. Lea, Council Member  
 Honorable Brenda L. McDaniel, Council Member  
 Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: September Financial Report

The adopted budget for fiscal year 2006 totaled \$223.8 million representing a 5.7% increase over the previous year. This financial report covers the first three months of activity for fiscal year 2006. The following narrative provides commentary on the significant events of the first three fiscal months.

### Revenues

Revenues through September 2005 increased 14.7% compared to the prior fiscal year. Variances from the prior year are addressed as follows:

General Property Taxes increased 8.6 % as a result of growth in reassessments and new construction. The first installment of the real estate tax was due October 5<sup>th</sup>. This tax is expected to grow 9.3 % as a whole in FY 2006, and actual growth has followed this trend for the first quarter of the fiscal year. Personal property taxes decreased slightly through September; however, the majority of collections occur in the spring.

Other Local Taxes increase 2.2% in fiscal year 2005. The Prepared Food and Beverage tax rate increased from 4% to 5% effective July 1<sup>st</sup>. This increase is expected to provide revenue growth of approximately \$2 million throughout the fiscal year. Sales tax revenues have increased 4% through September. Also adding to the growth in this category is an 8.4% increase in Transient Room Tax. Positive performance at local hotels contributes to this growth, as well as results from ongoing tax audits.

Revenue from the Use of Money and Property increased over the prior year as a result of interest income on the Budget Stabilization Reserve. The reserve was established in late FY05 by transfer from the Debt Service Fund. A timing difference in the collection of Commonwealth Building lease payments also contributed to the increase in the category.



Grants-in-Aid Commonwealth varies due to an earlier receipt of \$2.5 million in quarterly street maintenance funding in the current fiscal year over the prior year. Additionally, AFDC Foster Care revenues increased over FY05. These revenues are directly related to an increase in reimbursable expenditures related to residential foster care, child placement, subsidized and special needs adoption, and adoption assistance services.

Internal Services revenues were higher as a result of an increase in reimbursement from the Roanoke Regional Airport for Fire Safety expenditures due to an increase in personnel costs in the current fiscal year.

#### Expenditures

The FY06 expenditure budget includes funding of approximately \$1.5 million to cover contracts and purchase orders made during FY05 but not paid by the end of that year. City Council approved re-appropriation of this funding when adopting the General Fund budget in May.

General Fund expenditures as a whole decreased 1.6% as a result of several large expenditure decreases offset by other expenditure increases. All departments are affected by the 3% average pay raise granted to City employees beginning July 1, 2005. Variances between FY05 and FY06 are addressed as follows.

Public Works costs are lower in the current year since a larger portion of the annual paving program was contracted by September in the prior fiscal year.

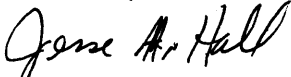
Parks, Recreation and Cultural expenditures increased in part due to the movement of Event Zone, Virginia Amateur Sports, and Downtown Roanoke Inc expenditures from Community Development to Parks and Recreation Administration. There was also an increase in special project expenditures for Youth Services.

Community Development costs declined due to a movement of various contribution expenditures to the Parks, Recreation, and Cultural category which were previously funded by Community Development cost centers.

Nondepartmental expenditures decreased due to a change in the billing methodology of the Fleet and Department of Technology funds. Beginning in FY06, the General Fund will cover capital outlay for these departments through a billing to user departments instead of by a General Fund transfer as in prior years. This will cause a decline in the nondepartmental category and an offsetting increase in numerous other categories throughout FY06. A decrease in the amount of undesignated fund balance transferred to the Capital Projects Fund also contributed to the reduction of expenditures in this category. Additionally, in FY06, the Greater Roanoke Transit Company's first quarter subsidy was only for one quarter of the year, whereas the FY05 first quarter subsidy covered two quarters of the year based on cash flow needs.

Honorable Mayor and Members of Council  
November 7, 2005  
Page 3

Sincerely,

  
Jesse A. Hall  
Director of Finance

JAH:ca

Attachments

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Rolanda B. Russell, Assistant City Manager  
James Grigsby, Acting Assistant City Manager  
Sherman M. Stovall, Director of Management and Budget

**CITY OF ROANOKE, VIRGINIA  
SUMMARY OF CITY MANAGER TRANSFERS  
AND AVAILABLE CONTINGENCY  
SEPTEMBER 30, 2005**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>General Fund:</u></b>					
CMT05-00171	08/23/05	Advertising of City's Zoning Ordinance and Mapping	Residual Fringe Benefits	City Clerk/ Planning, Building and Development	\$ 42,100
Total General Fund					<u>\$ 42,100</u>
<b><u>Available Contingency</u></b>					
Balance of Contingency at July 1, 2005					\$ 839,063
Contingency Transfers:					
CMT05-00192	09/01/05	Health Department Sexually Transmitted Disease Nurse Position	Contingency-General Fund	Health Department	(18,169)
CMT05-00205	09/20/05	Crystal Springs Streetscape Project Plan and Cost Estimate	Contingency-General Fund	Crystal Springs Streetscape	(25,000)
CMT05-00208	09/22/05	Hurricane Katrina Relief Efforts	Contingency-General Fund	Memberships and Affiliations	(10,000)
Contingency Increases/(Appropriations) Through Budget Ordinances:					
BO37073-1	06/06/05	Inner City Athletic Association	Contingency-General Fund	Human Services Committee	(5,000)
BO37114-02	07/05/05	Additional Social Worker Position	Contingency-General Fund	Social Services - Services	<u>(39,026)</u>
Available Contingency at September 30, 2005					<u>\$ 741,868</u>

**Notes:**

Under City Code section 2-121, the City Manager has authority to make transfers up to \$75,000 between departments from July through March and in any amount from April to June. The City Manager has the authority to make unlimited transfers within departments. The scope of this report is limited to interdepartment transfers that are \$10,000 or greater.

**CITY OF ROANOKE, VIRGINIA  
GENERAL FUND**

**STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - September 30 2004-2005	July 1 - September 30 2005-2006	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 18,662,843	\$ 20,259,941	8.56 %	\$ 93,243,000	21.73%
Other Local Taxes	7,656,356	7,821,235	2.15 %	65,801,000	11.89%
Permits, Fees and Licenses	319,362	312,458	-2.16 %	1,069,000	29.23%
Fines and Forfeitures	348,212	354,256	1.74 %	1,354,000	26.16%
Revenue from Use of Money and Property	65,969	237,495	260.01 %	722,000	32.89%
Grants-in-Aid Commonwealth	5,599,317	8,888,436	58.74 %	49,926,105	17.80%
Grants-in-Aid Federal Government	-	-	- %	38,000	0.00%
Charges for Services	2,160,694	2,070,990	-4.15 %	8,891,000	23.29%
Internal Services	416,522	468,594	12.50 %	2,527,000	18.54%
Miscellaneous Revenue	153,383	148,323	-3.30 %	384,000	38.63%
<b>Total</b>	<b>\$ 35,382,658</b>	<b>\$ 40,561,728</b>	<b>14.64 %</b>	<b>\$ 223,955,105</b>	<b>18.11%</b>

**STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - September 30 2004-2005	July 1 - September 30 2005-2006	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	2,748,196	2,959,413	7.69 %	\$ 9,192,875	\$ 12,152,288	24.35%
Judicial Administration	1,360,383	1,434,966	5.48 %	5,569,310	7,004,276	20.49%
Public Safety	14,463,457	15,167,704	4.87 %	41,065,501	56,233,205	26.97%
Public Works	8,023,219	5,387,615	-32.85 %	18,308,598	23,696,213	22.74%
Health and Welfare	6,782,913	7,101,832	4.70 %	23,659,823	30,761,655	23.09%
Parks, Recreation and Cultural	2,340,514	2,721,965	16.30 %	7,022,911	9,744,876	27.93%
Community Development	1,639,244	1,422,164	-13.24 %	4,315,092	5,737,256	24.79%
Transfer to Debt Service Fund	10,910,339	11,824,772	8.38 %	5,899,946	17,724,718	66.71%
Transfer to School Fund	13,407,942	13,588,075	1.34 %	40,764,224	54,352,299	25.00%
Nondepartmental	2,848,581	1,899,871	-33.30 %	8,327,066	10,226,937	18.58%
<b>Total</b>	<b>\$ 64,524,788</b>	<b>\$ 63,508,377</b>	<b>-1.58 %</b>	<b>\$ 164,125,346</b>	<b>\$ 227,633,723</b>	<b>27.90%</b>

**CITY OF ROANOKE, VIRGINIA  
SCHOOL FUND STATEMENT OF REVENUE**

<u>Revenue Source</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>	
	<u>July 1 - Sept 30 2004-2005</u>	<u>July 1 - Sept 30 2005-2006</u>	<u>Percentage of Change</u>	<u>Revised Revenue Estimates</u>	<u>Percent of Revenue Estimate Received</u>
State Sales Tax	\$ 803,950	\$ 936,512	16.49 %	\$ 12,050,078	7.77 %
Grants-in-Aid Commonwealth	11,194,398	11,045,580	-1.33 %	53,072,458	20.81 %
Grants-in-Aid Federal Government	8,476	33,761	298.31 %	125,000	27.01 %
Charges for Services	79,040	79,780	0.94 %	2,720,100	2.93 %
Transfer from General Fund	13,407,942	13,588,075	1.34 %	54,352,299	25.00 %
<b>Total</b>	<b>\$ 25,493,806</b>	<b>\$ 25,683,708</b>	<b>0.74 %</b>	<b>\$ 122,319,935</b>	<b>21.00 %</b>

**SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

<u>Expenditures</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>		
	<u>July 1 - Sept 30 2004-2005</u>	<u>July 1 - Sept 30 2005-2006</u>	<u>Percentage of Change</u>	<u>Unencumbered Balance</u>	<u>Revised Appropriations</u>	<u>Percent of Budget Obligated</u>
Instruction	\$ 13,425,125	\$ 16,301,068	21.42 %	\$ 74,947,496	\$ 91,248,564	17.86 %
General Support	1,186,115	1,061,031	-10.55 %	3,396,530	4,457,561	23.80 %
Transportation	759,137	937,219	23.46 %	4,204,551	5,141,770	18.23 %
Operation and						
Maintenance of Plant	3,737,830	2,998,031	-19.79 %	9,654,607	12,652,638	23.69 %
Facilities	1,336,704	746,132	-44.18 %	820,192	1,566,324	47.64 %
Other Uses of Funds	5,886,512	3,839,289	-34.78 %	3,405,959	7,245,248	52.99 %
<b>Total</b>	<b>\$ 26,331,423</b>	<b>\$ 25,882,770</b>	<b>-1.70 %</b>	<b>\$ 96,429,335</b>	<b>\$ 122,312,105</b>	<b>21.16 %</b>

**CITY OF ROANOKE, VIRGINIA  
CIVIC FACILITIES FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE THREE MONTHS ENDING SEPTEMBER 30, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b>Operating Revenues</b>		
Rentals	\$ 93,914	\$ 127,219
Event Expenses	27,077	35,864
Display Advertising	10,834	27,501
Admissions Tax	47,574	112,988
Electrical Fees	1,560	1,240
Novelty Fees	14,759	33,318
Facility Surcharge	34,226	50,988
Marketing Promotions	-	7,927
Charge Card Fees	13,510	30,179
Commissions	12,118	26,335
Catering/Concessions	152,015	191,919
Other	2,601	5,337
<b>Total Operating Revenues</b>	<u>410,188</u>	<u>650,815</u>
<b>Operating Expenses</b>		
Personal Services	441,421	428,106
Operating Expenses	325,845	352,866
Depreciation	141,803	119,661
<b>Total Operating Expenses</b>	<u>909,069</u>	<u>900,633</u>
<b>Operating Loss</b>	<u>(498,881)</u>	<u>(249,818)</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	9,879	5,549
Transfer from General Fund	-	42,324
Transfer to Debt Service Fund	(47,809)	(48,409)
Interest and Fiscal Charges	(23,485)	(23,830)
Miscellaneous	(356)	5,205
<b>Net Nonoperating Revenues (Expenses)</b>	<u>(61,771)</u>	<u>(19,161)</u>
<b>Net Loss</b>	<u><u>\$ (560,652)</u></u>	<u><u>\$ (268,979)</u></u>

**CITY OF ROANOKE, VIRGINIA  
PARKING FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE THREE MONTHS ENDING SEPTEMBER 30, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b>Operating Revenues</b>		
Century Station Parking Garage	\$ 103,030	\$ 98,217
Williamson Road Parking Garage	131,864	131,350
Market Square Parking Garage	57,681	58,449
Church Avenue Parking Garage	173,745	150,296
Tower Parking Garage	110,030	114,678
Gainsboro Parking Garage	31,904	26,399
Williamson Road Surface Lots	20,829	22,329
Norfolk Avenue Surface Lot	12,177	17,482
Gainsboro Surface Lot	11,808	12,577
Church Avenue Lot	11,400	11,400
Bullitt Avenue Lot	20,250	19,995
Salem Avenue Surface Lot	5,678	5,513
West Church/YMCA Surface Lots	<u>7,132</u>	<u>2,731</u>
<b>Total Operating Revenues</b>	<u>697,528</u>	<u>671,416</u>
<b>Operating Expenses</b>		
Operating Expenses	161,804	198,712
Depreciation	<u>143,217</u>	<u>158,960</u>
<b>Total Operating Expenses</b>	<u>305,021</u>	<u>357,672</u>
<b>Operating Income</b>	<u>392,507</u>	<u>313,744</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	13,530	6,244
Interest and Fiscal Charges	<u>(75,040)</u>	<u>(80,614)</u>
<b>Net Nonoperating Expenses</b>	<u>(61,510)</u>	<u>(74,370)</u>
<b>Net Income</b>	<u><u>\$ 330,997</u></u>	<u><u>\$ 239,374</u></u>

**CITY OF ROANOKE, VIRGINIA  
MARKET BUILDING FUND  
INCOME STATEMENT  
FOR THE THREE MONTHS ENDING SEPTEMBER 30, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b>Operating Revenues</b>		
Retail Space Rental	<u>\$ 68,969</u>	<u>\$ 52,249</u>
<b>Total Operating Revenues</b>	<u>68,969</u>	<u>52,249</u>
<b>Operating Expenses</b>		
Operating Expense	51,819	62,817
Depreciation	<u>1,926</u>	<u>1,899</u>
<b>Total Operating Expenses</b>	<u>53,745</u>	<u>64,716</u>
<b>Operating Income (Loss)</b>	<u>15,224</u>	<u>(12,467)</u>
<b>Nonoperating Revenues</b>		
Interest on Investments	553	216
Miscellaneous	<u>130</u>	<u>-</u>
<b>Net Nonoperating Revenues</b>	<u>683</u>	<u>216</u>
<b>Net Income (Loss)</b>	<u><u>\$ 15,907</u></u>	<u><u>\$ (12,251)</u></u>



**CITY OF ROANOKE, VIRGINIA  
CITY TREASURER'S OFFICE  
GENERAL STATEMENT OF ACCOUNTABILITY  
FOR THE MONTH ENDED SEPTEMBER 30, 2005**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED SEPTEMBER 30, 2005.

FUND	BALANCE AT AUG 31, 2005	RECEIPTS	DISBURSEMENTS	BALANCE AT SEPT 30, 2005	BALANCE AT SEPT 30, 2004
GENERAL	\$15,809,783.12	\$31,573,228.94	\$21,807,735.05	\$25,575,277.01	\$4,025,078.00
WATER	420.00	0.00	0.00	420.00	420.00
WATER POLLUTION CONTROL	1,738.22	0.00	0.00	1,738.22	1,738.22
CIVIC FACILITIES	5,394,225.44	151,805.19	452,185.27	5,093,845.36	1,059,429.12
PARKING	3,476,857.44	246,800.85	387,155.23	3,336,503.06	730,630.44
CAPITAL PROJECTS	55,214,498.16	216,081.57	1,358,396.55	54,072,183.18	49,904,029.01
MARKET BUILDING OPERATIONS	192,873.04	22,423.32	84,761.67	130,534.69	23,258.45
CONFERENCE CENTER	4,098,661.86	145,316.76	451,850.69	3,792,127.93	3,951,373.52
DEBT SERVICE	(4,869,019.91)	5,948,776.39	6,371,547.56	(5,291,791.08)	9,033,764.80
DEPT OF TECHNOLOGY	3,975,829.55	316,361.90	224,142.60	4,068,048.85	3,820,636.94
FLEET MANAGEMENT	197,863.10	337,471.14	354,624.31	180,709.93	(606,579.77)
PAYROLL	(8,996,330.27)	10,448,903.29	14,477,517.38	(13,024,944.36)	(12,219,660.34)
RISK MANAGEMENT	11,289,748.70	815,144.68	1,215,854.52	10,889,038.86	11,752,642.40
PENSION	369,962.72	1,853,329.84	1,823,744.68	399,547.88	610,819.79
SCHOOL FUND	1,993,015.43	7,169,295.97	2,881,708.92	6,280,602.48	7,218,950.42
SCHOOL CAPITAL PROJECTS	6,459,949.77	0.00	2,141,993.11	4,317,956.66	994,004.11
SCHOOL FOOD SERVICE	78,138.90	59,976.77	60,136.70	77,978.97	208,289.54
FDET	0.00	0.00	0.00	0.00	129.00
GRANT	67,334.10	1,592,117.64	813,445.14	846,006.60	629,428.08
<b>TOTAL</b>	<b>\$94,755,549.37</b>	<b>\$60,897,034.25</b>	<b>\$54,906,799.38</b>	<b>\$100,745,784.24</b>	<b>\$81,138,381.73</b>

**CERTIFICATE**

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED SEPTEMBER 30, 2005.  
THAT SAID FOREGOING:

**CASH**

CASH IN HAND \$27,300.74  
CASH IN BANK 1,019,962.34

**INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:**

COMMERCIAL HIGH PERFORMANCE MONEY MARKET 3,600,000.00  
COMMERCIAL PAPER 3,938,882.23  
LOCAL GOVERNMENT INVESTMENT POOL 7,990,988.40  
MONEY MANAGEMENT ACCOUNT 10,764,348.50  
REPURCHASE AGREEMENTS 10,000,000.00  
U. S. AGENCIES 20,526,356.60  
VIRGINIA AIM PROGRAM (U. S. SECURITIES) 21,931,450.16  
VIRGINIA SNAP PROGRAM (U. S. SECURITIES) 20,946,495.27

**TOTAL**

**\$100,745,784.24**

OCTOBER 19, 2005

  
EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN  
STATEMENT OF CHANGES IN PLAN NET ASSETS  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b><u>Additions:</u></b>		
Employer Contributions	\$ 1,788,995	\$ 1,332,359
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	10,223,447	(1,138,877)
Interest and Dividend Income	406,482	388,596
Total Investment Income (Loss)	10,629,929	(750,281)
Less Investment Expense	(42,634)	(36,823)
Net Investment Income (Loss)	10,672,563	(713,458)
Total Additions (Deductions)	<u>\$ 12,461,558</u>	<u>\$ 618,901</u>
 <b><u>Deductions</u></b>		
Benefits Paid to Participants	\$ 5,330,807	\$ 5,002,439
Administrative Expenses	14,046	18,628
Total Deductions	<u>5,344,853</u>	<u>5,021,067</u>
Net Increase (Decrease)	7,116,705	(4,402,166)
 <b>Net Assets Held in Trust for Pension Benefits:</b>		
Fund Balance July 1	<u>318,675,367</u>	<u>306,925,352</u>
Fund Balance September 30	<u><u>\$325,792,072</u></u>	<u><u>\$302,523,186</u></u>

Note: Negative amounts reflect the reversal of accrual accounting entries made for fiscal year-end financial reporting purposes.

**CITY OF ROANOKE PENSION PLAN  
BALANCE SHEET  
SEPTEMBER 30, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b><u>Assets</u></b>		
Cash	\$ 399,548	\$ 610,816
Investments, at Fair Value	327,178,657	303,592,523
Due from Other Funds	1,431	1,431
Other Assets	<u>-</u>	<u>6,531</u>
<b>Total Assets</b>	<b><u>\$ 327,579,636</u></b>	<b><u>\$ 304,211,301</u></b>
 <b><u>Liabilities and Fund Balance</u></b>		
Liabilities:		
Due to Other Funds	\$ 1,786,397	\$ 1,684,789
Accounts Payable	<u>1,167</u>	<u>3,326</u>
<b>Total Liabilities</b>	<b><u>1,787,564</u></b>	<b><u>1,688,115</u></b>
Fund Balance:		
Fund Balance, July 1	318,675,367	306,925,352
Net Gain (Loss) - Year to Date	<u>7,116,705</u>	<u>(4,402,166)</u>
<b>Total Fund Balance</b>	<b><u>325,792,072</u></b>	<b><u>302,523,186</u></b>
<b>Total Liabilities and Fund Balance</b>	<b><u>\$ 327,579,636</u></b>	<b><u>\$ 304,211,301</u></b>



**CITY OF ROANOKE**  
**DEPARTMENT OF FINANCE**

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

November 7, 2005

Honorable C. Nelson Harris, Mayor  
 Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Sherman P. Lea, Council Member  
 Honorable Brenda L. McDaniel, Council Member  
 Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Local Law Enforcement Block Grant

The budget ordinance adopted by City Council on October 3, 2005 did not match the accompanying staff report for the Bulletproof Vest Partnership Grant. As such, City Council's approval of another budget ordinance is necessary to correct the oversight in the budget ordinance. A copy of the October 3, 2005 council report is attached for informational purposes.

**Recommended Action:**

Adopt the accompanying budget ordinance to appropriate funding of \$1,900 in revenue and expenditure accounts in the Grant Fund.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall  
 Director of Finance

JAH:dlb

**Attachments**

c: Darlene L. Burcham, City Manager  
 Mary F. Parker, City Clerk  
 William M. Hackworth, City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for the Local Law Enforcement Block Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

**Grant Fund**

**Appropriations**

Overtime Wages	035-640-3550-1003	400
Overtime Wages	035-640-3552-1003	1,393
FICA	035-640-3552-1120	107

**Revenues**

LLEBG FY 2003-05	035-640-3550-3552	400
LLEBG FY 2004-06	035-640-3552-3556	1,500

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

WMB

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION changing the time of commencement and the place of the regular meeting of City Council scheduled to be held at 2:00 p.m. on Monday, November 21, 2005.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The time of commencement and the place of the regular meeting of City Council scheduled to begin at 2:00 p.m. on Monday, November 21, 2005, in the City Council Chambers of the Noel C. Taylor Municipal Building, is changed to commence at 12:00 noon on that date in Room 159 of the Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., in the City.
2. Resolution No. 37109-070505, adopted July 7, 2005, establishing the meeting schedule of City Council for FY 2005-2006, is hereby amended to the extent it is inconsistent with this resolution.
3. The City Clerk is directed to cause a copy of this resolution to be posted adjacent to the doors of the Council Chamber and inserted in a newspaper having general circulation in the City at least seven days prior to November 21, 2005.

ATTEST:

City Clerk.